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Committee on the Rights of the Child
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Summary record of the 2115th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 24 May 2016, at 10 a.m.

Chair: Mr. Mezmur

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (continued) (CRC/C/GBR/5; CRC/C/GBR/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*

2. **Ms. Sandberg** (Coordinator, Country Task Force) asked how the national authorities intended to tackle the high levels of pollution and how the new climate change strategy took account of children's rights. Noting that sexual and reproductive health-education programmes should contain age-appropriate information on social and LGBTI issues and should be planned in consultation with children and adolescents, she asked how the Government planned to reduce hostility towards LGBTI children. Information on plans to facilitate access to abortion services for adolescents in Northern Ireland would be welcome. She also wished to know whether the National Drug Control Master Plan implemented in Bermuda had been evaluated.

3. Noting the alarming rise in child poverty in recent years, she asked whether the Government had any plans to monitor the impact of the 2016 Welfare Reform and Work Act; whether it would look into the cumulative effect on children of the full range of social security reforms introduced over the past few years; whether a new poverty strategy for Northern Ireland was ready for implementation; whether it was fair to say that the Government's poverty strategy overlooked the working poor; and to what extent the Life Chances Strategy focused on children and the reduction of child poverty and vulnerability. Given that statutory child-poverty reduction targets had been abolished, she wondered what alternative means would be used to reduce child poverty and ensure accountability in that area. She also enquired how the needs of children who were particularly vulnerable to the effects of poverty would be met. For example, what measures were being taken to tackle homelessness and reduce the use of temporary accommodation?

4. **Mr. Nogueira Neto** said that he would like additional information on discrimination against children living with HIV/AIDS and/or with disabilities, LGBT children, ethnic minority children and child immigrants, asylum seekers and refugees; the employment of children by relatives, including during the school week; the care of children whose parents were in detention; telephone helplines for children, and their operation; and bullying and cyberbullying.

5. **Mr. Kotrane** (Country Task Force) said that, although it welcomed the State party's decision to end the detention of child migrants, the Committee was concerned about the lack of reliable information on child asylum seekers; the fact that not all unaccompanied children had access to a guardian or to independent legal advice; the fact that asylum seekers' age was determined on the basis of their physical appearance; the detention of child asylum seekers in temporary holding facilities; restrictions on family reunification for unaccompanied children; the obstacles faced by child asylum seekers, refugees and migrants and their families in accessing basic education and health-care services; and the related risk of poverty.

6. Although the reforms relating to the minimum age of criminal responsibility in Scotland and Monserrat referred to in paragraphs 94 and 96 of the State party's replies to the list of issues (CRC/C/GBR/Q/5/Add.1) were welcomed, the Committee had a number of ongoing concerns. For example, in some cases, children were tried in adult courts; the age of criminal responsibility in a large number of Crown Dependencies and Overseas Territories was still 10 years; minors under the age of 18 years could be sentenced to life imprisonment; the number of children in detention, in particular ethnic minority children,

remained high; children held in places of deprivation of liberty continued to be housed alongside adult detainees and did not always have access to health care and education; and children were sometimes held in difficult conditions of detention, including solitary confinement.

7. The Committee welcomed the State party's ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, the introduction of independent legal assistance for all unaccompanied children in Northern Ireland and Scotland and all potential child victims of trafficking in England and Wales, the adoption of a raft of related legislation and the inclusion of child sex abuse as a part of the Strategic Policing Requirement. However, information was needed about the current situation with regard to extraterritorial jurisdiction for the offences referred to in article 4 (2) of the Optional Protocol on the sale of children, child prostitution and child pornography, and about the dual criminality requirement referred to in paragraph 34 of the Committee's concluding observations on the State party's initial report on the implementation of the Optional Protocol (CRC/C/OPSC/GBR/CO/1). He would also like details of any other measures the State party intended to adopt to build a stronger national mechanism for the identification of child victims of trafficking and exploitation, set up mechanisms and procedures to protect their rights and review legislation to ensure that all children under 18 years of age were protected against the offences covered by the Optional Protocol. Information on the Independent Inquiry into Child Sexual Abuse would also be appreciated.

8. The Committee remained concerned about the fact that the State party maintained its wide-ranging interpretative statement relating to article 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; that the minimum age of recruitment in the State party was 16 years; that 20 to 25 per cent of the members of the regular armed forces were children; that recruitment drives targeted persons aged under 18 years and children belonging to vulnerable groups; that voluntary recruitment safeguards were insufficient; and that the minimum period of service for persons aged under 18 years old recruited into the army was two years longer than the minimum period for adults.

9. **Mr. Kissack** (United Kingdom) said that Gypsy and Roma children were fully protected by the 2010 Equality Act. Traveller and Roma children were guaranteed places at school and specific resources had been developed to facilitate their integration. To support Gypsy and Traveller communities more generally, over the past five years the central Government had spent £42 million setting up 463 new pitches in England and refurbishing a further 332 while the Welsh Government had invested £12.5 million in pitch development, extension and refurbishment. In Scotland, minimum quality standards for pitches had been published in 2015.

10. **Ms. Egan** (United Kingdom) said that the Prevent Strategy referred to in the replies to the list of issues (CRC/C/GBR/Q/5/Add.1) was designed to increase understanding of terrorism and how best to challenge extremist ideologies. Guidance had been issued on the use of Taser guns and such weapons could be used only by specially trained officers. In October 2016, police forces nationwide would begin collecting data on the location and outcome of all incidents involving the use of serious force, physical restraint and Taser guns, and on the ethnic origin and age of all members of the public directly affected. A recent independent study had found that all police forces across the United Kingdom were using Taser guns fairly and appropriately.

11. Police officers could be held to account by local communities for their use of stop and search powers, which could legitimately be implemented where there were reasonable grounds to suspect that children were carrying stolen or prohibited items. The Police and Criminal Evidence Act Code A had been revised to make it clear that the police had a duty to safeguard and promote the welfare of all persons aged under 18 years old. The use of

stop and search powers had since fallen significantly and the stop-to-arrest ratio had increased. In 2015, antisocial behaviour orders had been replaced with civil injunctions addressing the underlying causes of such behaviour. The Scottish Government did not support the use of high-frequency alarm devices known as "mosquito".

12. A new strategy for combatting violence against women and girls had recently been launched and £80 million would be invested in victim support services. Since 2004, the number of women experiencing domestic abuse in England and Wales had fallen by 21 per cent, while the number of corresponding prosecutions and convictions had risen. Guidance and training on child sexual exploitation had been improved and a nationwide campaign had been launched to encourage the reporting of abuse and neglect. The number of prosecutions for child sex abuse and the number of corresponding convictions had increased by 14 per cent and 19 per cent respectively in the past year. A forced marriage unit had been set up and, to date, more than 1,000 forced marriage protection orders had been issued.

13. **Mr. Holmes** (United Kingdom) said that the Police Service of Northern Ireland routinely recorded and monitored the use of stop and search powers. Around 17 per cent of searches involved persons known to be under the age of 18 years old. The Northern Ireland Policing Board also carried out routine monitoring. Taser guns and attenuating energy projectiles were rarely used and there were no plans to ban them; however, every instance of their use since 2001 had been examined by the Office of the Police Ombudsman for Northern Ireland and reported to the Policing Board. The police did not use rubber or plastic bullets. As to the Operation Exposure campaign involving the publication of images of young suspects, the Policing Board had decided that the practice was acceptable when deemed necessary to protect the public or the young person concerned. The release of images and other identifying details was, however, subject to an in-depth risk assessment, consultation with relevant individuals and agencies, and monitoring by the Policing Board. A strategy for the disbandment of paramilitary organizations was under development and an inter-agency programme had been launched to prevent vulnerable young persons from becoming involved in paramilitary activities. A strategy to address domestic and sexual violence and abuse in Northern Ireland had been published in March 2016.

14. **Mr. Archer** (United Kingdom) said that the Governments of the various constituent parts of the United Kingdom had criminalized violence against children and supported positive parenting. The Government of the United Kingdom had prohibited corporal punishment in maintained schools, registered independent schools and registered child-care settings and was considering extending the ban to out-of-school settings. In its view, parents should not be criminalized for giving a child a light disciplinary smack. The reasonable chastisement defence could be employed where parents were charged with common assault but not in cases of assault causing actual or grievous bodily harm or child cruelty. The courts decided on a case-by-case basis what constituted reasonable chastisement. However, the Welsh Government had made a commitment to introduce legislation removing the defence of reasonable chastisement.

15. **Ms. Gross** (United Kingdom) said that the Government was investing in childcare at record levels. The current offer of 15 hours of free childcare for 3- and 4-year-olds and disadvantaged 2-year-olds was worth approximately £2,500 per year to parents and, from September 2017, the allowance would be doubled to 30 hours. Tax-free childcare was currently benefitting approximately 2 million families, while parents eligible for Universal Credit could claim up to 85 per cent of their childcare costs, subject to a maximum of £646 per month per child.

16. In England more than 2,300 additional health visitors had been recruited to support delivery of the Healthy Child Programme and an additional 500 health visitors had also been recruited in Scotland. Health visitors worked closely with children's centres, which

were currently being used by more than 1 million children. In January 2016, the Prime Minister had announced plans to further improve the availability of support services for parents and details of those plans would be set out in the Life Chances Strategy due to be published in the near future.

17. The number of children entering the State care system in England had increased from 65,500 in 2011 to 69,500 in 2015, while in Scotland a slight decrease had been observed. However, the increase in England, which was attributable in part to a rise in the number of asylum seekers and a High Court judgment concerning the treatment of homeless young people, could be interpreted as evidence of a greater number of children being cared for safely. Children were removed from their families only if a court had decided after careful assessment that it was in their best interests. Although local authorities were required under the 1989 Children Act to match children with foster carers of the same ethnicity, culture or linguistic background wherever possible, it was essential to take account of the full range of the child's needs. In adoption, children's right to identity had to be taken into account but the Children and Families Act of 2014 had removed the previous emphasis on ethnicity and placed that characteristic on an equal footing with others, making it possible for children from minority ethnic backgrounds to be adopted more quickly. The Government was committed to placing the child at the heart of the care system. All children had a named social worker and an independent reviewing officer whose role was to advocate on their behalf.

18. The Children and Families Act of 2014 gave the Children's Commissioner for England a legal remit to advocate for children in care on a national basis. As stability and security were two of the most important factors in children's lives, only 1 in 10 children experienced more than two placement moves in a year. The Office for Standards in Education, Children's Services and Skills (Ofsted) examined decision-making regarding placement moves as part of its overall inspections of local authorities. In Northern Ireland, ambitious targets had been set to reduce the number of moves. Children were placed close to their previous homes wherever possible and all exceptions to that rule required the approval of the local Director of Children's Services.

19. The Government's aim was that all young people leaving care should have security and stability in their lives. In 2014, to support that goal, it had introduced a new guidance paper entitled "Staying Put", which provided that local authorities should offer support to all care leavers who wished to stay with their foster carers until they reached the age of 21 years. An independent review of residential care was also being conducted and a new care leaver strategy would be published in the summer of 2016. The Children and Social Work Bill would, once adopted, make it a requirement for local authorities to make personal advisors available to care leavers until they reached the age of 25 years.

20. In Scotland, steps were also being taken to improve support for young people leaving care. Young people could stay in care until they reached the age of 21 years and aftercare support would be available to them until the age of 26 years. In Northern Ireland, all care leavers had access to personal advisers and the "Going the Extra Mile" scheme ensured that financial support was available to allow young people to stay with their foster carers until the age of 21 years.

21. **Mr. Archer** (United Kingdom) said that children would never be removed from the care of poorer parents for the sole reason that they could be given a better life in a wealthier family. The courts' paramount consideration was the welfare of the child. A court could issue a care or supervision order only if it was satisfied that the child was suffering, or was likely to suffer, significant harm; that the harm was attributable to the care given to the child or the care likely to be given in the future; and that not making the order would result in worse outcomes for the child. Where permanent arrangements were being considered, local authorities had a duty to consider family and friends as possible carers. In Scotland,

local authorities had a duty to make family group decision-making and parental support available whenever there was a risk of a child being taken into care. Early intervention was promoted and kinship carers received equal financial support.

22. Although many social workers provided an excellent service, others did not. The insufficient quality of some social work had been documented in Ofsted inspection reports and a major reform programme had been launched. The first plank of that reform was to improve the quality of social work education through programmes such as Frontline and "Step Up to Social Work", partnerships between local authorities and higher education institutions, and monitored induction years. The aim was to attract intellectually and empathetically strong individuals to the profession and provide them with comprehensive training. The second plank was to clarify the knowledge and skills required of social workers. An assessment process for social workers was being tested with a view to developing a system of accreditation. The third plank was the creation of a dedicated regulatory body for social work; it was not only the work of individual social workers that needed to be improved, but also the systems and organizations in which they operated. The Innovation Programme was an important contributor to that goal and the Government had recently allocated a further £200 million for innovation in the social care system over the current spending review period. The reform programme was expected to increase staff retention as well as recruitment.

23. **Ms. Sandberg** asked whether the delegation could not see the connection between the smacking of children and violence in society. She also wished to know whether both children in care and care leavers had been involved in the development of the care leaver strategy.

24. **Ms. Khazova** (Country Task Force) asked whether measures were in place to prevent children being removed from their families unnecessarily and invited the delegation to comment on reports that care leavers faced a higher risk of having their own children removed.

25. **Mr. Kissack** (United Kingdom) said that, while the Government in no way condoned the use of violence against children, it had no intention of removing the defence of reasonable chastisement. Recent evidence had shown that the Government's promotion of positive parenting was helping to change attitudes towards smacking. Children and young people had been involved in the preparation of the care leaver strategy. Children could not be removed from their parents' care unless there was a risk of significant harm. The most common form of harm was neglect. Since it was difficult to establish at what point chronic neglect became sufficient to constitute significant harm, the courts were extremely cautious.

26. **Ms. Goldhill** (United Kingdom) said that the Government's mandate to the National Health Service (NHS) England called for a smooth transition between child and adult mental health services, with age boundaries based on young persons' individual needs rather than chronological age. Transition arrangements were monitored by the Care Quality Commission. In 2014, a review of child and adolescent acute mental health care had identified a shortage of beds in some regions in England and, in response, the Government had provided £7 million to commission new beds and to put a new cadre of case managers in place. There were now 1,442 beds for young people. The majority of the Government's £1.4 billion investment in child and adolescent mental health would be spent on community-based services and the long-term result would be a reduction in the number of children and young people admitted to acute inpatient care. Community-based services would be supported by a new standard for the treatment of eating disorders in young people. A new waiting time standard for early intervention in psychosis had also come into effect while the new mental health services data set would provide more detailed information on children's mental health. The Department of Health had commissioned a survey on the

prevalence of mental health conditions in children and young people and was due to report its findings in 2018. In 2015, the health authorities had funded a campaign to fight the stigma associated with mental ill health and a sum of £500,000 had been invested to support the development of new digital tools for children and young people. The Government had also been working with young people to develop a new young people and mental health information hub that would be hosted on NHS Choices, a website visited more than 500 million times per year. Schools offered pastoral care to young people and were an additional source of support and advice on mental health issues.

27. The use of police cells to house mentally ill children was very rare and the Policing and Crime Bill, due to enter into force in 2017, would include a clause expressly prohibiting their use as places of safety. The Department of Health was working with NHS England and the National Collaborating Centre for Mental Health to identify and promote better crisis care services in advance of the legislative changes coming into force. The Crisis Care Concordat — a national agreement between crisis care service providers and agencies — reinforced the duty on the NHS to ensure that people under 18 years old were treated in a place of safety appropriate to their age and needs.

28. According to guidance issued by the National Institute for Health and Care Excellence, methylphenidate, sold under the trade name Ritalin, should be prescribed when drug treatment was considered appropriate to manage severe attention deficit hyperactivity disorder in children and adolescents. The treatment should be initiated by a health-care professional with expertise in the disorder, should be based on a comprehensive assessment and diagnosis, and should form part of a family treatment programme. Updated guidance was due to be published in January 2018. An increase in the number of prescriptions for antidepressants was not necessarily indicative of an increase in the number of patients. It was in any case important that young people and their families had a choice of treatments for mental health conditions, including pharmacological intervention where appropriate.

29. Scotland had been the first nation to introduce waiting time targets for child and adolescent mental health services. A sum of £150 million was being made available for mental health, with a focus on children and prevention, and a dedicated Minister for Mental Health had been appointed. In Northern Ireland, investment in children's mental health had increased from £9.5 million in 2006 to £19 million and waiting times for a first mental health outpatient appointment had decreased significantly. New facilities included a purpose-built inpatient unit, a regional family trauma centre and a state-of-the-art sexual assault referral centre, and the establishment of a specialist eating disorder inpatient unit was under consideration. In Wales, the Together for Children and Young People framework for action ensured that young people were not referred to specialist mental health services if their needs could be met more appropriately elsewhere. The initiative had received £7.65 million in new funding and that investment had allowed for the recruitment of more than 130 specialists. Challenging targets had been set for the reduction of waiting times.

30. Public Health England produced breastfeeding profiles for each local authority to address strategic needs, benchmark performance against national statistics and neighbouring areas, and target resources to areas in need. The Government worked with partners including the United Nations Children's Fund (UNICEF), the NHS and voluntary organizations in order to ensure consistency, providing information on the benefits of breastfeeding, notably through a scheme focusing on parents in lower socioeconomic groups, and leadership for health-care professionals working with pregnant women, new parents and their babies. In Scotland, breastfeeding rates in deprived areas had increased over the previous decade from 26 to 33 per cent. NHS Scotland complied with the World Health Organization International Code of Marketing of Breastmilk Substitutes and the Government funded a national breastfeeding helpline. Since the discontinuation of the national infant feeding survey, the Department of Health, Public Health England and other

stakeholders had been exploring alternative ways of monitoring the impact of infant feeding policies, and the Government was committed to the effective valuation of those policies. The maternity and children's data set covered a wider population than the infant feeding survey and would provide accurate, up-to-date information on infant feeding, allowing for a better response to local needs. In Northern Ireland, the breastfeeding strategy launched in 2013 had entailed the roll-out of the Breastfeeding Welcome Here scheme and peer support training programmes, as well as the dissemination of resources for women combining breastfeeding with returning to work and for their employers. The prevalence of breastfeeding in Northern Ireland was 47 per cent at one week, 33 per cent at six weeks and 16 per cent at six months.

31. Culture change was needed within the NHS to ensure that all health-care professionals were aware of the specific needs of transgender, non-binary and intersex persons. Public Health England and the Royal College of Nursing had developed two toolkits to help nurses and health practitioners to support the mental health needs of lesbian, gay, bisexual and transgender young people. A Clinical Reference Group had been established to advise NHS England on clinical issues in gender identity services, and guidance for doctors caring for transgender people had been published in March 2016. In Northern Ireland, guidelines on primary care for transgender patients had been published in 2015. NHS England was responsible for commissioning on issues affecting intersex children and was working to improve the services available to them, aiming to ensure that the management of intersex conditions improved quality of life, that expert evaluations were sought before gender assignment interventions were carried out on new babies with intersex conditions, and that decisions about such interventions were taken by clinicians in consultation with parents and the children themselves, if they were old enough. Consultations had been undertaken on proposals for the future configuration of clinical reference groups and details would shortly be published on the remit of each group, including the group for specialist gynaecology services for children and young people.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

32. **Ms. Gross** (United Kingdom) said that the Children and Families Act of 2014 had brought in major changes to the system for children with special educational needs and disabilities, notably through the introduction of single integrated education, health- and social-care plans. The reforms enabled young people with disabilities to participate more actively in decisions concerning their care and had strengthened the statutory rights of all young persons aged between 16 and 25 years old. A new statutory code of practice had been issued jointly by the Department for Education and the Department of Health, under which the latter was for the first time duty-bound to provide the services set out in education, health- and social-care plans. Schools and colleges were also bound by the new code and local-level inspections were due to start in the near future.

33. The Government was committed to providing inclusive education for children and young persons with disabilities and removing barriers to learning. The Children and Families Act of 2014 enshrined the principles of access to mainstream education and parental choice between mainstream and specialist schooling. Decisions were made on a case-by-case basis depending on individual needs and preferences, the best interests of the child being the determining factor in all cases. The proportion of the overall school population being educated in special schools had remained stable at 1.2 per cent since 2010.

34. Because the transition to adult life was particularly challenging for young people with disabilities, early planning and early assessment of the future options, together with the young people concerned, were essential. The transition process would be covered in the evaluation currently being carried out as part of the area inspection programme.

35. A strong framework was in place for ensuring that mainstream schools met the needs of pupils with special educational needs. All teachers were trained in how to differentiate their teaching to meet the needs of all children, and all schools were required to have a special educational needs coordinator to support classroom teachers. In recent years, 11,000 such coordinators had received funding for Masters-level training.

36. **Ms. McDaniel** (United Kingdom) said that the Northern Ireland Mental Capacity Act of 2016 provided additional safeguards for children under the age of 16 years old who were subject to a mental health order and established a mechanism for independent advocates to represent children admitted to hospital for mental health assessment or treatment. A bill reforming adoption legislation that would remove unnecessary delays in the adoption process, ensure the centrality of the child and enhance support for all individuals involved had been drafted, but had not yet passed through the Assembly. The Child Rights Indicator Framework was a strategic tool that would be used to measure and monitor the Northern Ireland Executive's progress in implementing the Convention and would be integral to the development of the new strategy on children and young people. A new child poverty strategy for Northern Ireland had taken effect in March 2016 and a number of welfare reform mitigation measures linked to the introduction of the benefit cap, the bedroom tax, food poverty and changes to the working tax and universal credit systems had been adopted. In 2015 the Department of Justice had issued a recommendation for legislative amendments to allow access to abortion in cases of fatal foetal abnormality but the proposals had not been agreed. The Minister for Health had since been asked to establish a working group to consider such cases and develop recommendations for legislative change.

37. **Mr. Hughes** (United Kingdom) said that school admission decisions based on the outcome of academic testing were not consistent with fair treatment for all children. Strategic measures were in place to ensure that no child was disadvantaged by virtue of the school they attended. There was no forced segregation in the school system in Northern Ireland; rather, a range of school types were available and parents could express their preference for a particular type. Funding had been put in place to increase interaction between children from different backgrounds, notably through shared education schemes. All schools were eligible to apply for grants from the £25 million fund earmarked for such schemes. International studies had demonstrated that primary-age pupils in Northern Ireland were among the highest-performing in the world, but that their performance dipped during the secondary years. The onus was on schools to self-evaluate and self-improve, and recent years had seen a steady rise in the number of pupils leaving school with level two qualifications. The Department of Education was waiting to receive a report on the experiences of lesbian, gay, bisexual and transgender people aged between 16 and 21 years old in post-primary education in Northern Ireland. That research would inform efforts to provide support for those groups of young people as well as for their schools and teachers.

38. **Ms. Jackson** (United Kingdom) said that in Scotland there was a legal requirement for religious observance or time for reflection in schools. In England, all State schools were required to organize daily acts of worship and, in non-faith schools, the acts should reflect the essentially Christian traditions of the United Kingdom. However, schools that served a predominantly non-Christian community could seek authorization to replace them with acts of worship from a non-Christian faith. Parents had the right to withdraw children from any or all of the acts of worship performed at both faith and non-faith schools and, after reaching the age of 16 years, pupils could choose to withdraw themselves.

39. The Northern Ireland Assembly had recently passed the Addressing Bullying in Schools Act 2016. All schools in England were required to have a behaviour policy to prevent all forms of bullying, including cyberbullying. Schools were held to account by Ofsted, whose inspections included discussions with pupils, particularly on issues around

bullying. An adverse report was a serious sanction that required action on the school's part. The Government had recently increased teachers' powers to discipline pupils, and schools were required to consult staff, parents and pupils on the principles underpinning their behaviour policy. Schools had been provided with guidance on appropriate sanctions, including the use of isolation rooms; seclusion should be used only where appropriate, with due regard for the pupil's health and safety, and for no longer than necessary.

40. Schools had received advice on how to support vulnerable children who were being bullied and identify any related social or mental health issues. Funding of £1.3 million had been awarded to organizations working to tackle the bullying of vulnerable children, particularly those with special educational needs, and a further £1 million in funding to tackle homophobic, biphobic and transphobic bullying had recently been announced. The computing curriculum covered responsible use of the Internet and £500,000 had been awarded to the Safer Internet Centre to provide guidance and tools for keeping children safe online. Exclusion was used as a last resort only and was generally on the decline. Schools were required to ensure that exclusions were lawful, reasonable and fair, that excluded pupils were supported, and that extra support was available for pupils belonging to groups in which exclusion rates were high, notably through the Pupil Premium programme. Reforms designed to improve standards of alternative education provision and further reduce the incidence of exclusion had been announced in March 2016.

41. Sex and relationships education was compulsory at all maintained secondary schools. Academies and free schools were required to follow a broad curriculum which should include sex and relationships education. Such education should be age-appropriate, should emphasize positive values and should provide a strong moral framework that was relevant to all young people, whatever their sexuality. All youth offender institutions and secure training centres provided sex and relationships education, including sexual health instruction. Standards governing the health care of children and young people in secure settings had been developed in 2013.

42. All schools in England were required to support pupils' spiritual, moral, social and cultural development, including by actively promoting British values such as democracy, rule of law, individual liberty, mutual respect and tolerance. Citizenship teaching was mandatory for maintained secondary schools and study programmes introduced in 2013 covered human rights, international law, democracy and governance.

43. Parental involvement in schools was very important, and efforts were being made to deregulate that area. Proposals to remove the requirement for academy boards to reserve places for elected parent governors and replace it with a requirement for academies to make arrangements for "meaningful engagement" with parents were under consideration. An online parent portal would be created to facilitate access to information about the school system.

44. Although the Government believed that the best way to tackle underperformance was for all schools to become academies, it would not be legislating to that end at present. However, the requirement that failing or "coasting" schools be converted to academies would remain in place. Schools that local authorities were unable to maintain would also be converted. Academies operated within the same national framework as maintained schools. The Government was concerned that the large number of local funding formulas made it difficult to guarantee a fair allocation between schools and was therefore proposing a single national formula that was based on objective measures of need.

45. **Ms. Aldoseri** asked whether it was true that children with special needs were sometimes isolated or excluded, and whether that practice would be prohibited. She had been concerned to learn that a quarter of five-year-olds in England did not meet the required levels for language and as a result were not able to succeed in the classroom.

46. **Ms. Khazova** asked whether the State party's mental health plans included mandatory mental health assessments for all children in care and all children involved in criminal proceedings whose circumstances may necessitate additional psychological support, and whether the new target waiting times for mental health assessments applied to England only.

47. **Ms. Jackson** (United Kingdom) said that the Equality Act of 2010 prohibited schools from discriminating against pupils in any way and that individual schools' approach to discipline, and particularly to exclusion, was monitored by Ofsted. Any evidence that a school had acted unlawfully was taken very seriously and in such cases the Secretary of State was empowered to order the school to take action.

48. **Ms. Gross** (United Kingdom) said that language development was essential for school readiness and attainment. The Early Years Foundation Stage set out clear standards for ensuring learning opportunities and for staff training. The proportion of children achieving at the required level at five years of age had increased from 51 per cent in 2013 to 66 per cent in 2015.

49. **Ms. Goldhill** (United Kingdom) said that not all vulnerable children had mental health issues and that such children might feel stigmatized if mental health assessments were compulsory. In Wales, urgent referrals to mental health services should be addressed within 48 hours, while the target for routine assessments had been reduced to 28 days from 16 weeks. In Scotland, waiting times targets were not being met at present. Figures for Northern Ireland would be provided subsequently.

50. **Mr. Searle** (United Kingdom), referring in particular to the Life Chances Act and the Life Chances Strategy that were due to be adopted shortly, said that the Government was committed to eliminating child poverty. Statistics on children's life chances, which reflected the impact of austerity measures, welfare reforms and other factors and were prepared on an annual basis, showed that, although children in workless families were three times as likely to be in relative poverty as children from families where at least one person worked, work was often not enough to prevent poverty. However, the new National Living Wage and the Universal Credit system would help to encourage progression while in work.

51. The welfare reforms fundamental to building a strong economy, creating employment and generating wage growth should be viewed as part of a wider strategy to create a low-welfare, low-tax, high-wage economy based on behavioural change methodologies. The reforms, which were designed to combat worklessness and increase personal responsibility, had already borne fruit; at present there were almost 450,000 fewer children living in workless households than in 2010. The Government considered the impact of policy changes very carefully and was committed to ensuring a fair system within which everyone contributed to reducing the deficit and those with most made the largest contribution. The welfare reforms introduced since 2010 had been accompanied by discretionary funding of £870 million to protect vulnerable groups and the Treasury published a full distributional analysis of the impact of policies. The most recent version of that analysis indicated that, in 2019/2020, annual per capita expenditure on front-line services would be around £1,500 more for households with children than for households without children.

52. The Minister for Education had recently met with a group of young people to discuss concerns relating to homelessness and temporary bed-and-breakfast accommodation. Focused efforts would be made to address the issues raised and relevant funding levels had been maintained in the local government finance settlement for 2016-2017. A strong safety net was in place and homeless families with dependent children were always provided with accommodation. The long-term use of bed-and-breakfast accommodation for families with children was monitored closely, in line with the

Government's "Making Every Contact Count" strategy, and a total of £5 million had been allocated to the 25 local authorities facing the greatest pressures to enable them to reduce recourse to accommodation of that kind. While much remained to be done, households now spent less time in temporary accommodation than in 2010 and the number of households headed by a 16- or 17-year-old and living in bed-and-breakfast accommodation had been falling since 2007.

53. **Ms. Mcleod** (United Kingdom) said that the Scottish Government's approach to tackling the drivers of poverty and inequality was set out in the Child Poverty Strategy for Scotland for 2014-2017. The Scottish Government had spent £104 million to mitigate the impact of welfare reforms on Scottish families in 2015 and would use the additional welfare-related powers it was due to assume to improve support for low-income families in particular.

54. **Ms. Daniel** (United Kingdom) said that the Welsh Government was acutely aware of the impact of the welfare reforms in Wales and continued to relay its concerns to the British Government. It had welcomed the Court of Appeal ruling on the bedroom tax, which had highlighted the adverse effects for parents of children with serious disabilities needing overnight care and for victims of domestic violence living in specially adapted accommodation. Local authorities had a duty to strive to prevent homelessness and over £124 million had been provided through the Supporting People Fund to deliver housing support to the most vulnerable.

55. **Ms. Bridgeman** (United Kingdom) said that the Government of the United Kingdom was committed to the progressive implementation of children's rights in the British Overseas Territories and intended to review its reservations to the Convention with respect to those territories in consultation with the respective Governments. Reservations deemed no longer relevant would be removed. The central Government would continue to engage with territory Governments on the issue of "belonger" status and would encourage them to review their eligibility criteria. It was working with the territories to promote a better understanding of children's development needs and ensure access to basic services, while remaining mindful of the desire of many of the small island communities to maintain a sense of community cohesion and local identity.

56. She commended the efforts of the Organization of Eastern Caribbean States and the UNICEF Eastern Caribbean Office to address distinctions between children born within and outside wedlock, including the recent analysis of current legislation in the Eastern Caribbean Overseas Territories. Careful consideration was being given to the resultant recommendations, including the possibility of establishing Overseas Economic Cooperation Fund draft legislation to address gaps in compliance with the Convention and the recommendation that Anguilla should update its legislation on children born out of wedlock. The cases highlighted in the report in which migrant mothers in the Turks and Caicos Islands had been denied requests for birth certificates had been raised with the Governor of the Islands and the Human Rights Commission. The British Government had asked UNICEF to conduct another analysis to explore the issue of birth registration and the impact of migrant status on children's access to basic services.

57. Under its National Drug Control Master Plan, the Government of Bermuda was adopting a multidisciplinary approach to protecting people from alcohol and drug abuse and providing necessary treatment. The corresponding action plan covered the period 2013-2017. She commended the efforts of the Government of Bermuda and would welcome information on the effectiveness of those measures with a view to sharing best practices with other Overseas Territories.

58. **Mr. Bishop** (United Kingdom) said that all deaths in custody in England and Wales were independently investigated by the police, the Prisons and Probation Ombudsman and

the local Children's Safeguarding Board and were subject to an inquest hearing. Although the terms of reference of the review of deaths in custody among 18- to 24-year-olds did not specifically cover persons under 18 years old, four cases of child deaths in custody between 2007 and 2012 had been examined and had informed the resultant recommendations.

59. Physical restraint was used on young people as a measure of last resort only and significant improvements had been made in that area following the introduction of a system to minimize and manage its use. Pain-inducing techniques were used only when the individual posed a serious risk to others; chemical restraint methods were not permitted in secure children's establishments; and segregation was also used as a measure of last resort only and subject to various safeguards. Young people could not be separated as a punishment and the duration of segregation was limited. The Government had introduced additional safeguards to ensure that such measures were applied in a safe and appropriate way.

60. The Youth Justice Board had a duty to place juvenile offenders in an appropriate custodial establishment. The Secretary of State for Justice had authority to transfer children to adult prisons in exceptional circumstances but such situations rarely arose in practice and safeguards were in place to ensure that children were not moved to adult prisons prematurely. There had been no cases of such transfers since January 2014.

61. The Ministry of Justice worked with the NHS to ensure that children serving custodial sentences had access to the same mental health treatment as children living in the community. The NHS also ensured compliance with the standards set by the Royal College of Paediatrics and Child Health in 2013. The Government was examining the effectiveness of partnerships with health-care services as part of its review of the youth justice system. Mental health was taken very seriously and measures were in place to divert certain young offenders away from the criminal justice system and towards the support they needed. The Law Commission's recommendations concerning unfitness to plead were under consideration and a response would be issued in early 2017.

62. The Youth Justice Board had established a programme of work to address the overrepresentation of black and minority persons in juvenile detention and was helping the various youth offending teams to develop corresponding action plans. A disproportionality toolkit had been piloted and the Board continued to engage with stakeholders to implement activities and identify priorities. A review of the criminal justice system in England and Wales would be conducted to examine the treatment of black and minority defendants and assess possible prejudices, and the corresponding report would be issued in 2017.

63. An offender's status as sole or primary carer for a dependant relative was always considered a mitigating factor by the courts. Even in cases of child cruelty, sentencing guidelines stated that, when considering the appropriateness of a custodial sentence, the court should take information concerning the child's future care into account. Children should have regular and meaningful contact with their parents, even if they were in prison, as such relationships were vital to reducing the chances of recidivism. A number of third sector organizations were working to raise awareness of the needs of children and vulnerable adults who were left behind when a parent or carer was sent to prison and the National Offender Management Service was conducting a review of services promoting family engagement and support.

64. With regard to the minimum age of criminal responsibility, the Government considered that children aged 10 years old were able to differentiate between bad behaviour and serious wrongdoing and should be held accountable for their actions. However, not all juvenile offences were prosecuted and alternative measures were in place. It was inappropriate to make comparisons with other countries, as youth justice systems differed significantly.

65. The Government was taking steps to eliminate the anxiety experienced by child victims in court and to support vulnerable and intimidated witnesses. Witnesses were either screened from defendants or allowed to give evidence from a separate room via live link. Section 28 of the Youth Justice and Criminal Evidence Act allowed witnesses to give evidence and be cross-examined before the trial away from the courtroom and that system had been piloted in crown courts in Leeds, Liverpool and Kingston upon Thames in 2013 and 2014. The question of life sentences for minors under the age of 18 years was covered in paragraph 97 of the replies to the list of issues.

66. **Mr. Blair-Tidewell** (United Kingdom) said that, since robust policies and safeguards were in place to support young people in the armed forces, there were no plans to phase out the recruitment of persons under 18 years of age. To ensure a reasonable length of useful service, the minimum period for recruits under 18 years of age was four years from their eighteenth birthday, compared with four years from attestation for recruits aged over 18 years. However, the relevant legislation had been amended in 2011 to give all military personnel under 18 years of age the right to request discharge and leave the armed forces before reaching their eighteenth birthday. Furthermore, recruitment was voluntary, all applications from persons in that age group had to be accompanied by the written consent of a parent or guardian, and commanding officers were issued with specific guidance for the treatment of young recruits. The armed forces did not specifically recruit young people from vulnerable groups but, in accordance with its diversity policy, valued individuals from varied backgrounds. Military personnel under 18 years of age were not deployed on operations and did not take part in hostilities; on the rare occasions that errors had been made, the individuals concerned had been returned to the United Kingdom as soon as possible. The number of military recruits aged between 16 and 17 and half years old varied from year to year. While on occasions their number accounted for 20 per cent of all new recruits, that did not equate to 20 per cent of the armed forces as a whole. Owing to the extended period of education and training, the vast majority did not join the trained strength until after their eighteenth birthday.

67. **Mr. Jones** (United Kingdom) said that the Home Office published detailed information on asylum and immigration, including information on unaccompanied minors, but that efforts were under way to improve the available data set. National policy expressly stated that children should not be detained and that, if there was any doubt as to whether an individual was under 18 years old, the person should be treated as a child. Age assessments in immigration cases were conducted by the relevant local authority in accordance with guidance provided by the courts in a case involving Merton Council known as the Merton guidelines. Medical and scientific methods were not used, but the Government was open to possible ways to improve processes. All migrant children had full access to education and health-care services irrespective of their immigration status and were provided with a social worker. There were no plans to assign additional guardians, although the Scottish Government had decided to appoint guardians for asylum seekers.

68. The refugee family reunification policy allowed the spouses, partners and dependent children of refugees to join them in the United Kingdom and had allowed more than 21,000 dependents to join family members in the United Kingdom over the previous five years. While there were no plans to widen the definition of a family member, persons that did not qualify for entry on that basis could be admitted in exceptional cases. The guidance on family reunification was being reviewed to ensure that the provisions were clear to visa officers.

69. The Government had responded to the Syrian refugee crisis in an unprecedented manner, contributing £2.3 billion to the relief effort. Various resettlement schemes were under way, including a commitment to resettle 20,000 Syrians in the United Kingdom over the coming four years. The Government would also be working with the Office of the

United Nations High Commissioner for Refugees to resettle up to 3,000 at-risk children from the wider region and unaccompanied refugee children from other parts of Europe.

70. **Ms. Sandberg** said that the measures described by the State party did not correspond precisely to the information that the Committee had received from children and young people themselves. She trusted that the State party would view the Committee's recommendations not as criticism but as positive advice and encouragement to further its efforts towards ensuring children's rights.

71. **Mr. Kissack** (United Kingdom) said that his delegation would provide written responses to all unanswered questions. He thanked the Committee for their comments and suggestions and assured members that the dialogue would continue. He also wished to thank the Children's Commissioners, civil society groups and all the children and young persons who had contributed to the reporting process.

The meeting rose at 1 p.m.

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Summary record of the 2116th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 24 May 2016, at 3 p.m.

Chair: Mr. Mezmur

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Slovakia (CRC/C/SVK/3-5, CRC/C/SVK/Q/3-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Slovakia took places at the Committee table.*

2. **Mr. Rosocha** (Slovakia), introducing the combined third to fifth periodic reports of Slovakia (CRC/C/SVK/3-5), said that, since the submission of its report in 2013, Slovakia had significantly modified several of the measures described there and had put new ones in place. The foundation of the implementation framework for the Convention was provided by the National Strategy for the Protection of Children against Violence and the National Coordination Centre for Resolving the Issues of Violence against Children, which applied the vital principle of coordination and engagement of the widest possible range of stakeholders, including regional and local government and civil society. Furthermore, the general principle of the best interests of the child had been established as the primary consideration in decision-making in all matters concerning children. A non-exhaustive list of the criteria to be considered, including children's own views, had been drawn up for use in determining what was in the child's best interests in each case.

3. In order to protect the right to life, survival and health, police were now authorized to order an abusive person to stay away from a dwelling that was shared with the victim of the abuse for 10 days whereas, previously, such a person could be kept away only for 48 hours. The repeated commission of a misdemeanour against a close and trusted person had been made a criminal offence. In addition, the authorities responsible for the social and legal protection of children were now empowered to enter a child's home if the condition of the child could not otherwise be verified.

4. Slovakia was pursuing the process of deinstitutionalization both through legislation on alternative care and by means of practical measures. The family environment was preferred to alternative care of any kind. The various forms of care were ranked in order of preference and quality, and expert assistance was called on to help keep families together if at all possible. Where alternative care was required, the possibility of returning the child to parental care was evaluated on a regular basis.

5. Slovakia had been working to put into effect the recommendations made by the Committee in its concluding observations on its initial report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SVK/CO/1). Government departments, other entities such as the Office of the Plenipotentiary of the Government for Roma Communities, regional and local government bodies, NGOs and schools had all been involved in that effort. Some of the recommendations, including those regarding awareness-raising and prevention activities, were underpinned by related instruments such as the National Action Plan for Children, the National Strategy for the Protection of Children against Violence, the National Action Plan for Combating Trafficking in Human Beings and the Strategy on the Prevention of Crime and Other Antisocial Activities. Monitoring mechanisms to permit the early identification of potential victims were also being put in place, and close attention was paid to risk factors associated with people's economic situation or migration status. The police were required to follow special procedures in order to protect victims' rights and best interests. The new Act on Criminal Liability of Legal Persons, due to enter into force on 1 July 2016, established the direct liability of legal persons for such criminal offences as human trafficking and the production, distribution and possession of child pornography.

6. Similar steps were being taken to act upon the recommendations made by the Committee in its concluding observations on the initial report of Slovakia on the implementation of the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/SVK/CO/1). Measures had been introduced, as recommended by the Committee, to support the early identification of children who might have been involved in armed conflicts, although no such cases had yet been detected. As to the Committee's recommendation that the State party should consider enacting legislation on the criminal liability of private military and security services and companies, Slovakia had no information about the existence of any private military services, but the provision of private security services was regulated by law; the minimum age for employment in such companies was 18.

7. The State party supported training for professionals in subject areas such as child interviewing methods, the procedures to be followed when handling cases of child abuse and neglect, and the prevention of institutional violence and secondary victimization. Cooperation between the State and NGOs, both in terms of policy and on the ground, continued to evolve. As to international cooperation, Slovakia had acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which was due to enter into force for Slovakia on 1 July 2016.

8. The Slovak Republic was aware of the slow pace of progress in areas such as integrated data collection and the tracking of budget resources for the promotion and protection of children's rights. The delays that had arisen in that respect had to be viewed in the context of ongoing legislative and institutional challenges that required protracted negotiation and the development of appropriate measures over the long term.

9. **Ms. Aldoseri** (Country Task Force) said that she would like to know why the post of Deputy Prime Minister for Human Rights and National Minorities had been abolished in 2012. The State party had given human rights top priority, and a measure of that kind could send the wrong message. She would appreciate clarification as to whether the Ministerial Committee for Children or regional and municipal governments were responsible for implementing the 2009-2012 National Action Plan for Children. She would also be interested to learn which body was responsible for monitoring the implementation of the updated plan for the period 2013-2017 and what results had been achieved thus far. She would like to know what body bore the chief responsibility for monitoring the observance of children's rights and whether it worked in accordance with the Paris Principles. She would also like to know who was responsible for taking follow-up action on reports on children's rights issued by the Public Defender of Rights (Ombudsperson). Information on the investigation carried out into the allegations of abuse of power by the Children's Commissioner would be welcome.

10. She was concerned at the fact that the tracking of resources allocated for the implementation of children's rights — the most important part of the mandate of the Action Plan for Children — appeared to have been deferred. She would like to know what the Government's reasoning was in that regard.

11. Was there any strategy in place for ensuring that all children in all schools were aware of the Convention? If so, was there a particular focus on issues relating to vulnerable and marginalized children? Had monitoring activities undertaken in connection with the Anti-Discrimination Act yielded results in terms of the protection of such children from hate speech? She would like to know whether training courses for persons who worked with children included a module designed to raise awareness of the provisions of the Convention.

12. She was interested in learning more about the role played by civil society in the State party's reporting process and in the protection of children's rights in general. Were

such organizations viewed as partners in the implementation of the Committee's recommendations, for example?

13. A district court's acquittal of police officers charged with physically assaulting Roma children had recently been overturned. What measures had been put in place to prevent a recurrence of acts of that sort and to expedite investigations of such rights violations? She would like to know how the State party was working to improve cooperation between the police and the Roma communities and whether there was a budget for that effort. She also wondered how the State party guaranteed impartiality in Ministry of the Interior investigations into police brutality.

14. She would appreciate information on the legal proceedings taken against persons who had performed forced sterilizations of Romani women and on the compensation being provided to victims. What steps were being taken to adopt standards designed to ensure that sterilization was performed only on the basis of free, prior informed consent?

15. The recent amendment to the Family Code had not included a prohibition of corporal punishment in the family setting, where "reasonable physical punishment" was still tolerated. When did the State party intend to amend the Code to explicitly prohibit corporal punishment in all settings? In view of the underreporting of violence against children, especially sexual violence, she would appreciate information on the training provided to persons working with children on how to recognize the signs of such violence or abuse. A prevailing lack of coordination in cases of sexual abuse meant that victims were compelled to tell their disturbing story over and over again, which ultimately led many to withdraw their charges. She would like to know what plans the State party had to introduce appropriate procedures for dealing with such cases. How many crisis centres were available to help victims? Were they accredited and monitored by the State and were they able to provide quality services?

16. The general atmosphere of intolerance towards minority ethnic and religious groups had been exacerbated by the official announcement, made at the start of the current wave of migration, that Muslim refugees would not be admitted. Such intolerance could trigger a violent reaction, and she wondered how the State party planned to promote greater tolerance in order to reduce that risk.

17. **Ms. Winter** (Country Task Force) said that she would like to know whether there were any agreements between the Government and the large international industrial companies operating in Slovakia to ensure a healthy environment for children living in the vicinity of industrial installations.

18. **Ms. Oviedo Fierro** (Country Task Force) said that the State party had numerous legal and policy instruments at its command for combating discrimination, but they appeared to have yielded scant results. Had the State party considered arranging for independent monitoring of the enforcement of the Anti-Discrimination Act, for example, in order to establish whether violators had been brought to justice and, if so, what penalties had been imposed? Only with data on the outcomes of the various strategies could the Committee evaluate the State party's determination to put an end to discrimination. The Committee was particularly concerned about de facto discrimination against children and adolescents. There was evidence that Roma children were routinely placed in special schools designed to cater to children with disabilities or in completely separate, lower-quality schools. She would like to know what the State party had done to address that type of discrimination. In the health sector, too, members of the Roma community encountered segregation, and she would appreciate some examples of how the State party was dealing with that problem. Roma and Hungarian families apparently did not always receive the family allowances provided to many families in Slovakia, and she wondered in what way they failed to meet the eligibility requirements for those subsidies.

19. The concept of the child's best interests as expressed in Slovak law often appeared to be taken to mean the interests of whoever was using the term, whether political or religious leaders, members of the media or some other party. The concept of a "stable family", for example, which was used in the context of the best interests of the child, was defined as comprising a mother and a father, which meant that families that did not fit that description risked being marginalized and discriminated against.

20. A study had been undertaken by Slovakia in 2012 for the Council of Europe which had presented two important conclusions on the subject of children's right to have their voices heard. The first was that it was necessary to develop measures to enforce the rights of the child across all areas. The second was that action needed to be taken to ensure that children's voices were heard in a range of different forums. The Committee would like to know what steps had been taken by the State party to achieve those objectives. The study had also highlighted the fact that many adults who worked with children were not sufficiently aware of the rights of children. What was the State party doing to rectify that situation? The Committee would like to know more about the participatory model being used for the work of the Committee for Children and Young People. School parliaments were another structure that had been formally established in the State party to foster the participation of children in decision-making, but, unfortunately, it seemed that participation was quite limited. Was that indeed the case?

21. The Committee would like to know if the Roma language and other minority languages were used in schools. Information had been received by the Committee which indicated that cyberbullying took place both between students and between teachers and students. Were measures being put in place to encourage people to report cases of cyberbullying and to tackle the problem? More broadly, had the State party carried out awareness-raising and training campaigns to encourage young people and their parents to use social media and the Internet in a safe and responsible manner? Information had been received by the Committee which indicated that there was a lack of trust in the effectiveness of the Child Security telephone hotline. That was a concern for the Committee given the importance of such a service. Was the State party taking steps to resolve that issue?

22. **Mr. Kotrane** said that, while the State party's legislation generally complied with the Convention, some specific laws did not. An example was the definition of a "stable family" that was used in the Family Code. In cases where there were inconsistencies between domestic legislation and the Convention, could judges directly invoke the Convention? Did the Convention take precedence over national law?

23. **Ms. Ayoubi Idrissi** said that, although progress had been made, the State party still had some difficulties in collecting reliable data. In particular, disaggregated data systems were not available in all fields. The Committee would like to know more about the progress made in developing such systems.

24. The State party's report had not provided any information on freedom of expression, association or religion. The Committee would thus appreciate an update on the exercise of those freedoms by children and young people, especially with reference to associations for young people. Were all children, including Roma children and children with disabilities, given the opportunity to participate in youth associations?

The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.

25. **Mr. Dobrovodský** (Slovakia) said that Slovakia was one of the few countries in Europe to have included a specific reference to the principle of the best interests of the child in its domestic legislation. Following consultations with the Austrian Government, and taking into consideration the Committee's general comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), it had been decided that the best interests of the child should be explicitly incorporated into

article 5 of the Family Code. Some judges in Slovakia had previously expressed the view that a child's exposure to indirect violence, such as violence perpetrated by one parent against the other parent, should not be considered as violence against the child. However, again inspired by the Austrian model, the Government had decided to pass legislation designed to ensure that children were able live in a safe environment free of violence by criminalizing indirect violence against a child. Thus, although the Family Code did not specifically prohibit corporal punishment, the legal framework, taken as a whole, provided adequate protection for children against domestic violence. Numerous articles in the Family Code provided for the protection of the dignity of children, the safety and stability of the environment in which they lived and their right to mental and psychological development.

26. In the Slovak legal system, parents' discretion in exercising their authority over their children and in determining appropriate methods of discipline had been reduced to a minimum. As had been recognized by the Committee in its general comment No. 8 on the right of the child to protection from corporal punishment (CRC/C/GC/8), adults were generally able to distinguish between a "protective physical action and a punitive assault". Therefore, parents were able to exercise a certain degree of power and authority in educating their children, but they were not permitted to abuse their children or use physical violence to punish them. The Government believed that the legislative measures in place were sufficient to prevent corporal punishment and the physical abuse of children.

27. **Ms. Winter** said that it appeared that it would be a straightforward undertaking to simply introduce a single line in the Criminal Code to prohibit corporal punishment in all settings. The Committee would like to know why that had not been done.

28. **Mr. Molin** said that the latest amendments to the Act on Misdemeanors had made any physical violence against a child an offence. In the case of repeated instances of physical violence, the offence would be considered to have been committed with aggravating circumstances.

29. **Mr. Dobrovodský** (Slovakia) said that his Government continued to monitor the implementation of those legislative amendments. It was also legally required to monitor adherence to the principle of the best interests of the child in court judgments. In the coming years, comprehensive statistics would become available, and an evaluation of the situation based on those statistics would be submitted to the Committee in the State party's next report.

30. The definition set forth in the Family Code of what constituted a stable family notwithstanding, Slovakia did not discriminate against non-traditional families; on the contrary, the Government was required under the Code to protect all types of families. In accordance with General Assembly resolution 64/142 on guidelines for the alternative care of children, the intention was to underscore the importance of a child's biological family and, wherever possible, to enable the child to remain in or return to the care of his or her parents.

31. The Government had endeavoured to act upon the recommendations made in the Committee's concluding observations on the State party's preceding report (CRC/C/SVK/CO/2). For example, each district court now had an assistant who was responsible for non-judicial issues, as well as a psychologist who worked with families and provided therapy as required. During the upcoming process involved in amending the Family Act, the Government would also take into consideration the Committee's recommendations.

32. A bill had been proposed the preceding year which would strengthen the involvement of the general public and civil society in the legislative process. In any case, before any bill could be submitted to the legislature, the corresponding government ministry had to inform the public of its intention to do so and hold open consultations. For

example, as part of the process involved in amending the Family Code, a number of workshops and conferences had been organized so that the public and non-governmental organizations could take part in the drafting process.

33. **Ms. Oviedo Fierro** said that the Committee would like to learn more about the draft amendments to the Family Code, especially with regard to the definition of a "stable family". It was essential that all types of families should be recognized and supported. Consideration had to be given to the legal and practical implications of including such a concept in the Family Code.

34. **Mr. Dobrovodský** (Slovakia) said that the term "stable family" had symbolic value and expressed the Government's belief that a child should not be removed from his or her biological family. The State endeavoured to assist and support all families. The courts frequently recommended educational measures and family therapy in order to resolve issues that threatened families' stability. The Family Code had been amended in order to give the courts greater flexibility in terms of the programmes and measures to which they could have recourse in order to help families to address the problems that they were facing.

35. **Ms. Oviedo Fierro** said that the Committee's concern about the concept of a "stable family" had to do with the fact that it might prompt a judge to compare one family to another in certain types of proceedings and determine that one was more "stable" than another. In such cases, there would be a risk of the outcome of such proceedings being unfair or inappropriate.

36. **The Chair** said that he would like to suggest that the delegation should return to the issue of the Family Code and the concept of a stable family at a later stage in the dialogue.

37. **Mr. Molin** (Slovakia) said that the Committee for Children and Young People of the Government Council for Human Rights, National Minorities and Gender Equality was the body primarily responsible for monitoring the implementation of the Convention in Slovakia. Committee members included representatives of public institutions and civil society organizations. The Committee was also responsible for the National Action Plan for Children 2013-2017, which had been developed with the help of children's focus groups.

38. The Office of the Children's Commissioner had been established as an independent body charged with monitoring the implementation of the Convention. The Commissioner, who had extensive powers, was elected by and reported to the National Council, the country's parliament. The Children's Commissioner Act had been drafted in such a way as to ensure that the Office functioned in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Children's Commissioner joined other public authorities and NGOs in working to raise awareness of children's rights. Thematic awareness campaigns focused on issues addressed in specific sections of the Convention. In that connection, a campaign to raise awareness of violence against children and children's rights was a priority of the Government for the coming four years. A crucial recent development was the adoption of the National Strategy for the Protection of Children against Violence.

39. To prevent secondary victimization, the procedural rights of victims had been strengthened, and appropriate training was given to a broad range of persons working with child victims of violence. Outreach efforts had been made to ensure that children knew where to turn if they were victims of violence. Toll-free hotlines had been set up, and State-subsidized online counselling was provided by NGOs. Slovakia had ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

40. **Ms. Winter** asked whether the Commissioner referred to by Mr. Molin was the person who was under investigation for abuse of authority.

41. **Mr. Molin** (Slovakia) said that he was unaware of any such investigation of the Children's Commissioner.

42. **Mr. Kovács** (Slovakia) said that anyone in Slovakia who learned of a violation of a child's rights was required to report it to the authorities. Reports, which could be made anonymously, were received around the clock. All reports were examined, and the necessary measures were taken. Coordination had once been insufficient, especially in the area of protection from violence, but it had since improved considerably. A handbook on identifying victims of child abuse and neglect had been drafted in consultation with civil society and academia.

43. Any NGO that wished to set up a crisis centre was required to obtain accreditation from the Ministry of Labour, Social Affairs and Family. The committee that examined applications for accreditation included representatives of NGOs and other relevant institutions. Ministry officials were in the minority. The procedure involved a review of the organization's plans for the proposed crisis centre and of the credentials of its prospective staff. Such centres could be overseen by any of a variety of public or private institutions, including law enforcement agencies. Measures had been taken to ensure that social workers were trained to interview children and identify their best interests. All interviews with children were recorded, and those recordings could be requested by the courts.

44. **Ms. Ayoubi Idrissi** said that she wished to know whether children were sufficiently aware of how to protect themselves from violence and how to report violence or abuse. Were the relevant national institutions and the justice system accessible to children?

45. **Mr. Mikloši** (Slovakia) said that 300 health assistants of Roma background had been hired as part of a project launched by the Ministry of Health in 2014. As a result, members of Roma communities had shown a greater willingness to undergo medical examinations. The Ministry had recently issued a generally binding order regarding the procedure to be used to obtain a person's informed consent for sterilization. Consent forms translated into the languages of the country's national minorities had been annexed to the ministerial order. Bone tests, which involved an X-ray of the forearm, were used to estimate the age of people whose date of birth was unknown.

46. **Ms. Vermešová** (Slovakia) said that, while it did not relate directly to the bullying of Roma children by police in Košice, the Minister of Justice had issued an order clarifying the regulations on the protection of personal liberty to be followed by railway and regular police officers. An order dealing with the recording of police operations had also been issued. Human rights courses were a regular feature of police training at both the secondary and post-secondary levels. Senior community relations officers assisted the units that patrolled areas populated by marginalized groups, including the Roma, in particular. There were currently more than 250 such officers, most of them in the central and eastern parts of the country. Their work involved liaison activities, communication with NGOs and outreach.

47. **Ms. Tomková** (Slovakia) said that the curricula had been amended to include education in children's and human rights in the country's primary and secondary schools. Those modules covered the Convention. The number of teacher-training programmes or workshops on human or children's rights had increased considerably in recent years.

48. The Ministry of Education, Science, Research and Sport had been involved in drafting laws to combat segregation and discrimination. A section of the Schools Act had been amended to prohibit the placement in special education of children whose lack of preparation was a result of their upbringing in socially disadvantaged communities. The Ministry had also released two recent sets of guidelines on the inclusion of children from such communities in mainstream schools. Those guidelines provided information on the amendment to the School Act and on the procedures to be followed by psychologists in

assessing children's educational needs. Desegregation and equal access to primary education for children from marginalized communities were priorities. The measures taken to reduce the placement of children from marginalized backgrounds in special schools included enlarging existing classrooms and building additional classrooms in mainstream primary schools. Funding for such projects was given to the schools where the need was greatest.

49. **Mr. Hero** (Slovakia) said that, in 2015, the Slovak police had begun to receive training in how to prevent and combat discrimination against the Roma community based on the relevant Council of Europe guidelines. A workshop on that subject had also been organized for lawyers. A specialized police unit had been set up with the aim of reducing tensions between the Roma community and the majority population. Moreover, the Government had introduced Roma civil patrols in an effort to reduce crime and to maintain living standards in Roma settlements. The authorities of the municipalities concerned had said that the initiative had yielded positive results.

50. Programmes to promote the inclusion of Roma children in mainstream education included the programme run by the Methodology and Pedagogy Centre, which was aimed at raising the attendance rate of Roma children in certain primary schools, and the National Programme for Inclusive Education, one of whose objectives was to reduce the number of Roma children being erroneously placed in special schools. Under that programme, special teams made up of the principal of the school concerned, the school psychologist, education experts and teachers had been set up to ensure inclusiveness in primary school admissions. The programme had boosted the number of Roma children attending mainstream primary schools. The Government intended to further the development of its framework for the inclusion of Roma children in mainstream education in the future.

51. In the past, the Government had taken action against a primary school found to have unlawfully segregated Roma children. Following the Government's intervention, the primary school had corrected that practice. Now that schools had greater freedom to design their own curricula, a number of schools had opted to introduce new subjects, such as the Roma language, and the Government had provided primary and secondary schools with special assistance in developing a methodology for teaching that language. It was currently being taught in two primary schools and five secondary schools. However, the Government continued to face a number of challenges in its attempts to mainstream the teaching of the Roma language in Slovakia, such as the current shortage of qualified teachers. It was considering the possibility of introducing a course on Roma studies in universities as a means of remedying that shortfall.

52. **Ms. Oviedo Fierro** asked why the State party, after having reviewed its incubator programme, which afforded parents the possibility of abandoning newborn children in incubators outside hospitals, had decided not to discontinue it, despite the fact that it violated the rights of those children. It would be useful to receive additional information on the various alternative care institutions in which children who were not in crisis could be placed, including the number of children currently residing in such institutions. She also wished to know more about the State party's approach to the implementation of the United Nations Guidelines for the Alternative Care of Children. The Committee continued to harbour concerns about the State party's practice of removing children from their family and placing them in institutional care because the family was living in poverty. She would like to know in what other circumstances children could be removed from their families and placed in an alternative care institution and how long children tended to stay in such institutions. Were there mechanisms whereby children could participate in decision-making processes concerning them and report acts of abuse committed in such institutions? What steps had the State party taken to enhance the protection against abuse and ill-treatment afforded to children residing in alternative care institutions? Were adolescents residing in

such institutions provided with education and training that would enable them to become productive members of society?

53. It would also be helpful to receive statistics on the number of children who had been taken out of institutions and returned to their families. She would appreciate information about the criteria used to select the "professional families" who hosted children who had been placed in institutional care and would like to know whether there was a mechanism in place for monitoring the situation of those children. Were host families provided with guidance and technical support before assuming that role? Given that Roma children accounted for the majority of children placed in institutional care in Slovakia, she would be interested to know whether alternative care institutions employed staff who were Roma themselves or who knew the Roma language and understood the Roma culture. She asked whether the State party had taken any steps to facilitate the adoption of Roma children. Lastly, she wished to invite the delegation to provide an overview of the measures taken to promote positive parenting techniques and to provide parents in need with the necessary psychological and financial support.

54. **Ms. Aldoseri** said that she wondered how the State party would be able to assess the impact of the National Programme for the Protection of Persons with Disabilities and to measure the progress made in integrating all children with disabilities into mainstream education in the absence of a timeline for achieving those objectives. The Committee would also appreciate an update on the progress made in deinstitutionalizing children with disabilities and transferring them to family or family-type environments.

55. She would like to know what measures the State party had taken to address the reported shortage of medical practitioners in rural areas, to ensure that Roma women and children were not subject to segregation in health-care facilities, to prevent the spread of tuberculosis and syphilis within the Roma community, to expand access to health care for Roma children, to combat malnutrition in that population group and to improve the general standard of living in Roma settlements. She would also be interested to know whether the National Roma Inclusion Strategy included a specific objective for the integration of Roma children into mainstream education and, if so, what progress had been achieved in that regard. She asked whether the State party had drawn up a timeline for the implementation of the amended School Act, what measures it had taken to raise the enrolment and reduce the dropout rate of Roma children at all levels of the education system and whether school curricula included a component on the culture of minority groups. More generally, what steps had the State party taken to ensure that the aims of education set out in article 29 of the Convention were duly reflected in school curricula and training for teachers? Were human rights issues a compulsory component of school curricula?

56. She invited the delegation to comment on reports that Roma children from disadvantaged backgrounds were often forced to complete an additional year of study at the primary level. Did schools promote tolerance for different ethnic and religious groups through their curricular and extracurricular activities? How did the State party guarantee children from disadvantaged backgrounds access to preschool education? Did the amended School Act address the persistent segregation of the Roma in the Slovak education system? She would like to know whether children who had been diagnosed with a mild disability at the time of their initial assessment upon entering the education system were subject to compulsory follow-up assessments to monitor their progress. The Committee had received information to the effect that the Slovak education system catered first and foremost to the needs of the brightest students, often to the detriment of students who failed to reach the same level of academic achievement. She would welcome the delegation's comments on that observation.

57. She wondered whether, in the view of the State party, adequate budgetary resources were allocated to ensure that cultural activities were accessible to all children, including

children living in rural areas, children with disabilities and children belonging to ethnic minorities. She also wished to know whether the State party routinely assessed the status of leisure facilities, how it took account of the cultural and linguistic diversity of children from different backgrounds in organizing leisure activities and whether it intended to address the decline in the number of children's television and radio programmes.

58. **Ms. Winter** asked how many children lived with their mothers in prison, whether special arrangements were put in place for children obliged to live in that situation, how the State party protected the children of incarcerated parents from discrimination and whether children could visit their incarcerated parents at any time and in conditions of safety and dignity.

59. She also wished to know whether the State party planned to adopt a formal procedure for dealing with stateless children. Had it investigated reports pointing to the frequent disappearance of unaccompanied minors from shelters? She wondered whether border police were trained to identify children who had been involved in armed conflict and whether child migrants were routinely placed in closed facilities along with their parents.

60. It would be useful to receive statistics on the number of cases of sexual abuse reported by hospitals and individual medical practitioners and the number of cases that had been investigated. She asked whether victims of human trafficking had access to safe accommodation and dependable referral mechanisms; how many cases of human trafficking had been investigated; and how many traffickers had been prosecuted. Would the State party consider offering additional training on how to deal with child offenders, victims and witnesses to police, prosecutors and judges in the future? What legal safeguards were in place to protect child witnesses before, during and after court proceedings? The Committee would like to know whether the State party intended to prohibit the interrogation of children in the absence of a parent or guardian, lawyer or other person of trust.

61. **Mr. Rodríguez Reyes** asked what percentage of urban and rural hospitals had been certified as child-friendly and had implemented the Ten Steps to Successful Breastfeeding published by the United Nations Children's Fund (UNICEF) in cooperation with the World Health Organization (WHO). The Committee had been informed that the State party adhered to only a limited number of the provisions of the International Code of Marketing of Breast-milk Substitutes. He would like to know whether the State party could consider reviewing its current practices and adhering to the Code in its entirety. Information would also be welcome on how it protected mothers from the negative influence of advertisements for breast-milk substitutes and of sales representatives who provided free samples of such products in clinics and hospitals. What public policies had been put in place to promote breastfeeding? Did hospitals and clinics employ breastfeeding consultants who could lend support to new mothers?

62. **Ms. Muhamad Shariff** asked whether adolescents, including those belonging to the Roma community, had access to confidential and child-friendly sexual and reproductive health-care services; whether the State party had assessed the impact of the national programme for the care of children and adolescents for the period 2008-2015; and whether it collected data on different areas of adolescent health.

The meeting rose at 6 p.m.

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Summary record of the first part (public)* of the 2117th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 25 May 2016, at 10 a.m.

Chair: Mr. Mezmur

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Consideration of reports submitted by States parties (*continued*)

Combined third to fifth periodic reports of Slovakia (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Slovakia (continued) (CRC/C/SVK/3-5; CRC/C/SVK/Q/3-5; CRC/C/SVK/Q/3-5/Add.1)

1. *At the invitation of the Chair, the delegation of Slovakia took places at the Committee table.*

2. **Mr. Nelson** said that he would appreciate additional information on the Anti-Drug Strategy for Children and Youth, which was scheduled to run until 2020. He asked whether any of the 20 rehabilitation centres in the State party for persons recovering from drug and substance abuse were run specifically for children. If not, and children had to share such facilities with adults, did they receive child-friendly treatment? Given the small number of such centres relative to the size of the State party's population, he would like to know whether plans had been made to build additional centres. It would also be helpful to know what measures had been taken to combat glue-sniffing, in particular in eastern Slovakia, where the practice was reported to be prevalent.

3. **Mr. Kotrane** said that the State party had provided a very limited response regarding the action taken pursuant to the Committee's preceding concluding observations on the State party's implementation of the two Optional Protocols. He wished to know what had been done to ensure that all the offences covered by the Optional Protocol on the sale of children, child prostitution and child pornography were fully defined in the Criminal Code. Although the State party had focused on trafficking, new concerns had subsequently emerged. Additional information would be welcome regarding the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Had a national action plan been prepared for the implementation of that convention? Regarding the Optional Protocol on the involvement of children in armed conflict, the Committee was concerned at the fact that the recruitment of children for use in armed conflict was not explicitly covered by the Criminal Code. The Committee had also noted with concern that children had been participating in what were apparently ultraconservative military training courses.

4. **Ms. Aho Assouma** asked whether the National Programme for the Prevention of HIV/AIDS in Slovakia was still active. She wished to know whether pregnant women underwent HIV testing so that medical personnel could manage the risk of mother-to-child transmission and whether dedicated HIV testing centres had been established for children. It would also be helpful to know what assistance was available to children living with HIV/AIDS. Were there structures in place to offer them child-friendly support, for example?

5. **Mr. Hero** (Slovakia) said that, despite a wide range of initiatives, the integration of Roma children remained a major challenge for Europe. In Slovakia, the first container school had been built in 2013. Container schools were a cheap and quick solution to the problem of undercapacity in regular schools and had been built to supplement that capacity in some areas with large populations of Roma. The Ministry of Education, Science, Research and Sport had not fully endorsed the building of container schools as a national policy, but it was discussing the issue with the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities. The Office of the Plenipotentiary held the position that the integration of Roma into the education system should be coordinated at the local level. The Government was nevertheless committed to eliminating segregation in the mainstream education system at the national level.

6. In 2012 the Government had approved the Strategy of the Slovak Republic for the Integration of Roma to 2020, which was focused on seven important areas: education, housing, employment, health, economic integration, non-discrimination and public opinion.

The Government had approved an action plan for the implementation of the strategy over the period 2012-2015 and would prepare and publish a monitoring report on its results. The action plan was designed to follow up on the implementation of the Decade of Roma Inclusion 2005-2015. Two NGOs had been selected to prepare an independent evaluation of the initiative. They had concluded that the action plan had not been fully aligned with the strategy and that improvements in its implementation were called for. In response, the Government had revised the strategy and drafted seven new action plans for 2017-2018.

7. The Government was working to improve the financial literacy of the Roma in order to protect them from unscrupulous moneylenders. Mechanisms for the resolution of disputes between the Roma and non-Roma populations had been strengthened. In association with the European Union Agency for Fundamental Rights, the Government was evaluating the effectiveness of its funding arrangements and other provisions for Roma communities and was working to improve its monitoring and evaluation mechanisms. The project being conducted on the sociographic mapping of the concentration of marginalized Roma communities had improved data-collection procedures and informed the various policies developed for the benefit of those communities. The United Nations Development Programme (UNDP) had updated the mapping system in 2013, and it would be used to compile comprehensive data on the conditions in which Roma lived. The Government also used European Union statistics on income and living conditions to monitor the effectiveness of its strategy. The Government had decided to target 150 geographical areas with large populations of Roma. Projects would focus on the promotion of employment and the development of essential infrastructure, including the construction of sewerage systems, paved roads, temporary housing arrangements, and community and motherhood centres. A sum of €80 million would be spent on improving living conditions for Roma communities. The Government intended to raise the school attendance rate of Roma children to 100 per cent and to increase their preschool enrolment rate as well.

8. **Mr. Dobrovodský** (Slovakia) said that Roma ran an increased risk of falling victim to unscrupulous moneylenders because their awareness of their consumer rights was generally quite limited. The offence of usury had been entered into the Civil Code in 2015. Non-financial institutions were now required to verify the creditworthiness of their customers before granting interest-bearing loans and were barred from collecting interest accrued on such loans unless they had done so. That amendment to the Civil Code had caused at least six non-financial institutions to exit the market.

9. **Mr. Molin** (Slovakia) said that child victims of crime could report a crime directly to any one of the relevant authorities or to the newly established Office of the Children's Commissioner. In 2015, a website had been launched to provide child-friendly information on violence and the sources of support available to victims. As one of a number of different awareness-raising initiatives, accessible information on the Convention had been published on that website in Slovak and minority languages. The Code of Criminal Procedure had been amended to include a new provision governing the procedure for interviewing persons aged 18 years and under. Children were to be accompanied to police interviews by psychologists and, if necessary, their teachers or parents. National legislation had been harmonized with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the Council of Europe Convention on Action against Trafficking in Human Beings. In 2015, a multidisciplinary training course on the issue of secondary victimization had been organized for persons who conducted interviews with children. Children who experienced violence at home were placed in accredited crisis centres when necessary, and an individual workplan was prepared for each case.

10. **Mr. Cardona Llorens** asked whether or not it was the case that some Roma children were placed in special education centres, and then remained there indefinitely, because they lacked an adequate grasp of the Slovak language.

11. **Mr. Rodríguez Reyes** said that he was still waiting for information on the issue of breastfeeding. He noted that the State party's report did not make mention of teenage suicides, and he would like to know what preventive strategies were in place to address that problem.

12. **Ms. Ayoubi Idrissi** asked whether a strategy was in place for training police officers to deal with child protection issues, whether the training that was currently provided took place over a period of time or in brief sessions, and how many officers had received such training.

13. **Mr. Hero** (Slovakia) said that it was true that some children were schooled in special education centres. Measures had been introduced to improve the ability of schools to assess children for placement purposes, and any person could request a re-evaluation of a particular child who was being educated in a special centre if they believed that that child should not be there.

14. **Mr. Molin** (Slovakia) said that a systematic national training programme was in place for people involved in interviewing minors. In 2015, around 600 professionals had benefited from the training programme, which was designed to prevent the secondary victimization of children. The Government intended to continue working to identify other persons who should receive that training.

15. **Mr. Domanický** (Slovakia) said that the Ministry of the Interior provided systematic training on a regular basis to police officers, including members of judicial and border units and of the national police unit that dealt with illegal immigration. The training module included information on human trafficking and was provided to between 200 and 300 officers per year.

16. **Ms. Tomková** (Slovakia) said that Act No. 188/2015 Coll. governed the arrangements made for children with special educational needs. Placement of children in a special class or school solely because they came from a socially disadvantaged background would result in segregated schools and was not allowed. There were stringent diagnostic requirements in place in order to ensure that children were assigned to appropriate schools. An inclusive education project was being developed which was designed to put an end to social exclusion. As part of that project, funding would be allocated for the recruitment of special needs teaching assistants and school psychologists, the formation of inclusive teams and the construction or acquisition of special education facilities.

17. Steps were being taken to reduce the primary and secondary school dropout rates. In 2015, the Ministry of Education, Science, Research and Sport had provided a total of over €15 million for the construction and refurbishment of preschools and intended to make preschool attendance compulsory for all four-year-olds. The Government was committed to eliminating barriers to pre-primary education, especially for low-income families, and was placing particular importance on preschool enrolment for three-year-olds in marginalized communities and areas of high unemployment.

18. In 2010, the Ministry had approved the inclusion of interdisciplinary modules in primary and secondary school curricula on developmental issues, sexuality, marriage, parenting and family law. The instruction provided as part of those modules was in line with World Health Organization (WHO) standards.

19. The Ministry also provided training for specialist teachers and psychologists and had developed a crisis intervention manual which included information on the support required by young people who were contemplating suicide.

20. As to the question that had been asked regarding paramilitary training in schools, the Minister of Education had issued a statement, which was available on the Ministry's website, that warned about the possibility of extremism and the danger posed by the

involvement of paramilitary organizations in schools. In collaboration with the State School Inspectorate, the Ministry had also carried out a survey on the sources and drivers of extremism. Measures for countering those causal factors in specific schools had been implemented, and teachers were being trained in the continued application of those measures. Conferences and meetings on the subject had been held with youth organizations, including one in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

21. **Ms. Aldoseri** (Country Task Force) asked whether the regular reassessment of children with a diagnosis of mild disability was mandatory and, if so, how often those reassessments were conducted. She would also like to know whether children from disadvantaged backgrounds were obligated to complete a "zero year" of schooling prior to beginning their primary education and whether the school curriculum included any activities designed to promote tolerance for diversity.

22. **Mr. Hero** (Slovakia) said that the "zero year" had been introduced in 1991 and had boosted the school enrolment rate of Roma children. Where tests showed that school-age children were not ready for school, they could be placed in the zero-year programme as a more stimulating alternative to spending an extra year at home. Children who had completed the zero year were subsequently supposed to be spread evenly among first-year classes; however, in practice, those children were sometimes all placed in a single class group, and the first-year classes were therefore segregated in some cases. In Bratislava, eight schools used their zero-year programmes to help children who were not from marginalized groups, because some school-age children, regardless of their background, were simply not ready for school.

23. **Ms. Tomková** (Slovakia) said that, under section 107 of Act No. 188/2015 Coll., a re-examination of a child's assessment and subsequent assignment to a special school was to be undertaken upon request. Two methodological instructions had been issued in 2016 concerning amendments to section 107 of Act No. 188/2015 and procedures to be used for the pedagogical assessment of children from disadvantaged backgrounds. Children were entitled to repeated assessments, and schools were entitled to additional funding for students from disadvantaged backgrounds.

24. **Ms. Bošňáková** (Slovakia) said that school councils, which had been introduced pursuant to Act No. 588/2003, gave children the opportunity to express their views on proposals regarding school curricula. The councils represented their schools in dealings with outside parties, and students were able to vote for council representatives in a secret ballot. Councils had between 5 and 11 members, depending on the size of the school. They had statutes which governed their organizational arrangements, voting rights and other actions, and when a new council was set up, its statute was discussed and approved at the first meeting. A survey on the school council system had been undertaken every three years, and the results showed that the system's popularity was on the rise; currently, more than 50 per cent of schools had a school council. Student council representatives appreciated the opportunities that the system afforded them to improve their speaking and leadership skills. The school environment was a good place to learn about democracy, and the council system enhanced the bonds between children and their schools.

25. **Mr. Mikloši** (Slovakia) said that a report on the National Programme for the Prevention of HIV/AIDS 2013-2016 showed that the number of cases was growing, primarily among homosexual men; 78 women in Slovakia were HIV positive, and 27 per cent of them had given birth without transmitting the infection to their child. The HIV/AIDS transmission rate among drug addicts had dropped.

26. There were currently 20 public incubators, or "baby boxes", in the country and, since 2005, 55 infants had been saved through their use. Prior to 2005, an average of 10

abandoned babies were found dead each year. The boxes were reducing the incidence of infanticide, and their use was therefore justified.

27. Since the introduction of a related scheme in 2005 whereby women could give birth in secret and then place their babies in "safety nests", an average of 35 women per year had chosen to participate in that system.

28. Nationally, 64 gynaecology and obstetrics departments had received accreditation under the United Nations Children's Fund (UNICEF) Baby-Friendly Hospital Initiative. Promotional and educational measures focusing on the advantages of breastfeeding had bolstered a recent increase in breastfeeding rates. Under the Healthy Communities Programme, around 300 Roma health assistants were working with health-care professionals to improve health awareness in Roma communities, and it was hoped that the programme would increase the number of Roma women attending prenatal counselling sessions.

29. The programme to fight tuberculosis had been very successful. Despite the fact that the tuberculosis vaccine had not been provided on a country-wide basis since 2012, the incidence of the disease had not increased and currently stood at 10 cases per 100,000 people. All cases of syphilis had to be reported by medical practitioners, and a number of localized epidemics had been suppressed.

30. **Ms. Aho Assouma** said that she welcomed the statistics provided by the State party and hoped that further efforts would be made to compile more data on the incidence of tuberculosis and HIV. Information on the Roma community's access to HIV screening and antiretroviral drugs would also be appreciated.

31. **Ms. Oviedo Fierro** (Country Task Force) said that she would be interested to hear more about the reasons why the programme on public incubators was being continued. It was important to have prevention strategies and positive paternity programmes to help ensure that women were not in a position where they had to place their children in baby boxes. Information on the development and implementation of such programmes would be appreciated. She would like to know whether the programme designed to give Roma communities greater access to health services included measures to ensure that Roma people were not discriminated against within the health-care system. Lastly she wished to know whether the zero-year system in the country's schools was aimed just at children from Roma communities and disadvantaged backgrounds or whether it was available to other children as well.

32. **Mr. Gastaud** asked what happened to babies who were placed in baby boxes. Were they adopted or placed in children's institutions? He wondered whether the anonymous or "secret" birth scheme could serve to replace the public incubator system.

33. **Mr. Rodríguez Reyes**, referring to paragraph 120 of the State party report, asked what percentage of hospitals in Slovakia adhered to the Baby-Friendly Hospital Initiative principles. Was that policy being rolled out in rural as well as urban areas? He also wished to know what was being done to discourage the use of breast-milk substitutes and whether the State party would be adopting the International Code of Marketing of Breast-milk Substitutes.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

34. **Mr. Mikloši** (Slovakia) said that the baby boxes initiative had been introduced by a non-governmental organization and was supported by the Ministry of Health. The baby boxes were located at health-care establishments and could be accessed anonymously.

35. **Mr. Dobrovodský** (Slovakia) said that, since the use of baby boxes had been proven to reduce the incidence of infanticide in Slovakia, the initiative supported the right to life

enshrined in the Convention. As for the right to identity, the Family Act allowed the parents of abandoned children to file a maternity or paternity action to determine the child's identity and subsequently reclaim the child.

36. **Mr. Kovács** (Slovakia) said that mothers were offered six months of prenatal and six months of postnatal support. Fifty-five children had been placed in baby boxes since their establishment. Three had been returned to their biological families following maternity or paternity actions, 36 had been adopted or placed in foster care and the rest were being cared for in social protection facilities.

37. **Ms. Khazova** said that the use of baby boxes created a situation in which many children were not able to establish their identity. Some European countries had abolished the practice, having decided that it did not offer an effective solution to the problem of infanticide and child abandonment. That problem could be prevented much more effectively by working with pregnant women, offering family support, developing baby-friendly hospitals and encouraging mothers to bond with their newborn babies. Experience in a number of other countries indicated that mothers were sometimes forced to leave their children in the boxes, which was a very alarming prospect. She welcomed the legislation relating to the anonymous birth scheme and believed that every effort should be made to prevent the use of baby boxes.

38. **Mr. Kovács** (Slovakia) said that the Slovak Government would pursue its efforts to prevent the placement of children in institutions. The new Family Act contained many provisions designed to enable children to remain with their biological families, as well as setting forth a number of alternative care solutions. The most common form of alternative care was personal care, which was usually provided by a close relative. Various family counselling services and other measures were in place to make it possible to avoid institutionalization, and those measures had to be exhausted before a child could be removed from the family environment. In addition, parents were often required by the courts to make an active effort to put an end to adverse situations that might prevent a child from living at home.

39. The amended Act on Social Services prohibited the long-term placement of persons under 18 years of age in children's homes. Various measures were in place to improve conditions in social services facilities and to expand the use of independent living arrangements for older children and children with disabilities. Slovakia had recently been granted an exemption by the European Union from public procurement rules in order to allow independent living facilities to control their own budgets. In order to strengthen the alternative care system, the Government cooperated closely with social services facilities, including resocialization centres, and planned to establish child and family support centres and ensure closer cooperation with troubled families whose children were still at home. It was also working to incorporate various provisions of the Convention into its domestic legislation.

40. Progress under the Strategy for the Deinstitutionalization of Social Services and Alternative Care was evaluated annually. The implementation period for the Plan for the Transformation and Deinstitutionalization of Alternative Care had come to an end in 2015, but negotiations were under way with a view to the development of further action plans.

41. Under the deinstitutionalization strategy, priority was placed on enabling children to remain in their natural family environment. More than 600 staff members were already working in that area, and an additional 636 positions had been created for psychologists and social workers who specialized in working with families in the home. If children could not remain with their immediate families, efforts were made first and foremost to place them in the care of close relatives. In 2015, only 36 per cent of children who had been removed

from their biological families had been placed in social services facilities, compared with 52 per cent in 2000. The rest had been placed in alternative care.

42. An effort was made to place children assigned to children's homes with what were called "professional families". The parents in those families were required to have at least a secondary education and undergo a psychological assessment of their readiness for parenthood, and they were supported by specialized staff from children's homes. There were also plans to introduce preparatory training for such families. In 2015, over 30 per cent of the children assigned to children's homes had been placed with professional families, compared with 3 per cent in 2000. If children could not be placed with such families, efforts were made to accommodate them in small group children's homes which provided community-based care to a limited number of children. In 2015, some 1,400 children had been placed in group homes. The most common reason for the removal of children from their families was neglect, followed by the inability of the family to provide care.

43. Social workers who spoke the languages of target communities had been recruited and deployed in the field. In addition, the authorities, in cooperation with NGOs, ran courses and workshops on ways of improving the quality of care provided to ethnic minority children. Studies had been conducted which had identified disability, age, ethnic origin and a number of other factors as obstacles to the placement of children with families, but other data pointed to a lack of support for alternative care providers as being the main problem in that regard. Consequently, a new section had been incorporated into the Family Act that provided for assistance for alternative caregivers in the form of counselling and other forms of support. Social workers and NGOs would also increase the level of support that they currently offered to care providers.

44. Unaccompanied minors were housed in an open facility from which they could come and go. Slovakia was largely a country of transit, and minors who absconded from the facility generally did so in order to join family members in a third country. The police and all other relevant agencies must be notified of any unauthorized departures. Resocialization centres had the capacity to hold 500 persons, and the delegation did not have any information indicating that there was a shortage of places in those centres, in all of which school attendance was compulsory. The number of State-funded resocialization centres had increased, with the private sector also providing financial support. A call for proposals for new resocialization programmes and projects focusing on persons with substance abuse problems was currently being prepared and would be published in the near future. The number of children being removed from their biological families had been trending downward since 2012. In 2015, the average duration of stay in a children's home had been four years and one month.

45. **Ms. Ayoubi Idrissi** asked what the maximum length of time that children could be placed with a professional family was, what measures were taken to ensure that they were not transferred from one professional family to another, and what the situation was with regard to their long-term placement or adoption.

46. **Ms. Winter** (Country Task Force) asked whether the national authorities investigated unauthorized departures from care facilities by unaccompanied minors, whether absconding minors were tracked through their mobile telephones and whether efforts were made to obtain any information about their destination and their accomplices, if any.

47. **Mr. Kovács** (Slovakia) said that there was no set duration for placements with professional families. Placements ended when the children concerned were returned to their biological families or placed with an alternative care provider. Where neither of those options was possible, the child remained with the professional family until he or she

reached the age of maturity. Each child had an individual development plan, and every effort was made to avoid or limit the number of transfers of children between different professional families. However, transfers did take place with the consent of the child concerned in cases involving the reunification of siblings or other compelling reasons.

48. **Ms. Bencová** (Slovakia) said that the police searched for minors who fled from professional families or children's homes, attempted to locate them through their mobile telephones, investigated the causes of their departure and interviewed persons close to the minors concerned. They were able to locate a large number of those children.

49. **Mr. Dobrovodský** (Slovakia) said that the Government of Slovakia embraced the principle that "justice cannot stop at the prison gate", as spelled out in the European Court of Human Rights judgment in the case of *Ezeh and Connors v. The United Kingdom*. The concept of the best interests of the child had been transposed into national legislation. The State and courts had a duty to ensure that children's relationships with their siblings, parents and close relatives were maintained. In 2015, the Ministry of Justice had organized a major international conference on the rights of children whose mothers were in detention and the rights of those mothers. A strategy was currently being prepared that would be informed by the ideas discussed during the conference. Only one prison in Slovakia allowed incarcerated mothers to have regular contact with their children, but those children were not allowed to live in the facility. Under the Code of Criminal Procedure, sentences for mothers of newborns or pregnant women could be suspended for up to one year after the birth. In 2015, a law had been adopted under which mothers could be sentenced to house arrest and fitted with a monitoring device. The national authorities of foreign countries who detained parents whose children were currently in Slovakia were responsible for organizing family contact. The Family Act applied to Slovak children whose parents were incarcerated abroad, and the national authorities supported cross-border family contact in such cases.

50. In reply to an earlier question regarding measures to protect children residing in the vicinity of polluting industrial installations, he could assure the Committee that Slovakia applied European Union environmental standards; no specific standards had been introduced relating to children living near industrial plants. Around 40 schools per year were granted funding for environmental awareness programmes.

51. Under the Constitution, the Convention and its Optional Protocols took precedence over national legislation and were directly applicable. Slovakia had ratified all four instruments without applying any reservations. As some of the terms in the Convention, notably those used in article 3, were not self-explanatory, however, national legislators were working to provide detailed definitions for purposes of clarification.

52. **Mr. Domanický** (Slovakia) said that the Ministry of the Interior had set up a national unit to combat illegal migration and trafficking in persons, and a national programme against human trafficking that was to run from 2012 to 2018 had been adopted. His country was cooperating with neighbouring countries and other member States of the European Union in that connection. The Judicial Academy ran programmes for police officers and investigators which covered issues such as trafficking in persons and sentencing. Trafficking data were compiled by the Ministry of the Interior's information processing centre. Victims of trafficking were provided with care and with rehabilitation, reintegration and resocialization services. A national mechanism for providing support to victims of human trafficking had been set up, a national coordinator on human trafficking had been appointed, an information centre on the fight against human trafficking had been created and an expert group had been formed to promote cooperation with the International Criminal Police Organization (INTERPOL) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). Two police detention facilities for foreign nationals had been set up in

the south and the east of Slovakia, the latter housing families with children. The international treaties on the treatment of unaccompanied minors and foreign nationals to which Slovakia was a party had been transposed into national laws. Police officers working in detention units had received training in how to work with children.

53. **Ms. Vermešová** (Slovakia) said that migrant and refugee children and their families were placed together in a long-term residential reception centre equipped with baby cots, toys, a kindergarten, a playground and other facilities. Staff members at the centre were appropriately trained.

54. **Mr. Kotrane** said that the State party should make every effort to ensure that Slovak law enabled it to establish and exercise extraterritorial jurisdiction over all offences identified under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, in accordance with the Committee's 2013 concluding observations in that regard.

55. **The Chair** said that the Committee would be grateful if the State party would provide additional information in relation to paragraph 18 of the list of issues in written form within 48 hours.

56. **Ms. Winter** (Country Task Force) said that it was clear to the Committee that Slovakia and its neighbours were currently facing a new set of challenges relating to discrimination and non-discrimination in the context of the current wave of migration. She wished to thank the delegation for having supplied a great deal of information and looked forward to receiving the requested additional responses in written form.

57. **Mr. Ondruš** (Slovakia) said that the Government of Slovakia greatly valued the work and recommendations of the Committee. He believed that all State bodies would continue to work with civil society and human rights organizations to create an environment in which children could grow up, develop, learn and form their own opinions.

The meeting rose at 1 p.m.

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Summary record of the 2118th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 25 May 2016, at 3 p.m.

Chair: Mr. Mezmur

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Fifth periodic report of Pakistan

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of Pakistan (CRC/C/PAK/5; CRC/C/PAK/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Pakistan took places at the Committee table.*

2. **Mr. Khan** (Pakistan), introducing the fifth periodic report of Pakistan (CRC/C/PAK/5), said that around half of the population of Pakistan were children and that protecting their rights was a national priority. Despite challenges including terrorism, extremism and a limited budget, the Government had implemented a wide range of legislative, policy and administrative measures designed to protect and uphold the rights enshrined in the Convention. In addition, Pakistan had ratified a number of additional international human rights instruments, including the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, since the submission of its last periodic report, and the Government was close to concluding ratification of the Optional Protocol on the involvement of children in armed conflict.

3. The eighteenth constitutional amendment, enacted in 2010, had devolved legislative and administrative competence for matters involving child rights to the provincial authorities. The amendment had also enshrined the right to education within the domestic legal framework. Other significant legislative developments in the period under review had included amendments to the Penal Code to enhance protection for all children against all forms of abuse, a revision of the Prevention of Anti-Women Practices Act to enhance specific protection for women and girls, and the adoption of new legislation prohibiting child marriage at both the provincial and federal levels. For example, in 2013 the Sindh Assembly had passed the Sindh Child Marriage Restraint Act, which criminalized marriage under the age of 18 years.

4. A dedicated Ministry of Human Rights had been established in November 2015 to oversee all human rights issues, a bill to establish a National Commission on the Rights of the Child was currently under consideration, and all provinces had established their own human rights departments. Provincial child welfare and development commissions had also been established, which liaised and coordinated their activities with the National Commission for Child Welfare and Development. The National Action Plan to improve the human rights situation approved in February 2016 was focused on policy measures that would enhance the situation of children and had been assigned a budget of 400 million rupees for awareness-raising, educational, research and dissemination activities.

5. Governments at the federal and provincial levels had allocated significant funds to implementation of the 2009 National Education Policy, resulting in an increase of almost 48 per cent in the national education budget for 2015/16 relative to the 2012/13 budget. Reforms of the madrasa system had also been carried out, and it had been agreed that contemporary subjects would henceforth be included in their curricula alongside traditional religious education.

6. The budget earmarked for health had also been increased, with funding of 114.22 billion rupees having been allocated to the sector for 2014/15. To date, over 110,000 women had been recruited under the Lady Health Workers programme, which was proving successful in increasing polio immunization rates.

7. The Government was committed to protecting children against violence and, to better tackle the issue of abuse, in 2016 had enacted the Criminal Law Amendment Act,

which contained provisions addressing child pornography, trafficking and sexual abuse and criminalized any form of physical or psychological violence against children. A national communication campaign to raise awareness of the negative consequences of child abuse among relevant stakeholders had been carried out and, with support from the United Nations Children's Fund (UNICEF), the Ministry of Human Rights was engaged in a nationwide campaign to end violence against children that was focused on the prevention of corporal punishment in particular.

8. New legislation had been enacted at the provincial level to prevent the employment of minors in certain occupations and in hazardous places. With support from the Asian Development Bank, the Government had also taken various steps to eliminate child labour. Efforts to improve protection for minorities and other vulnerable groups, meanwhile, had included the implementation of a new code of conduct issued by the Ministry of Information, Broadcasting and National Heritage under which electronic media were required to ensure that no hate speech was aired in their programmes. To oversee and coordinate those and other measures, and thus ensure compliance with the State's obligations under the Convention and other international instruments to which it was a party, treaty implementation cells were being established at both the federal and provincial levels.

9. **Ms. Muhamad Shariff** (Coordinator, Country Task Force) said that, despite its progress in numerous fields, the State party had not implemented many of the recommendations contained in the Committee's previous concluding observations (CRC/C/PAK/CO/3-4) and many national and provincial laws had still not been harmonized with the Convention. Considerable powers had been devolved to the provincial authorities following the eighteenth constitutional amendment, with the result that significant disparities now existed between the child rights situation in different parts of the country. Furthermore, since many federal laws on the rights of the child had not been retained by provincial governments, there was no legislative uniformity. She was particularly concerned about the negative implications of the Anti-Terrorism Act for the rights of the child.

10. She would like to know of any plans to review the application of sharia law in Pakistan. With regard to the distribution of State funds, noting that the gap apparent between allocation and outlay suggested that available funds were being underutilized and might not always benefit the intended target group, she asked whether there was a specific budget allocated to children's issues and whether the Government planned to establish a monitoring system to assess the effectiveness of budget allocations to specific measures and programmes that promoted children's rights. Noting also that the State party had not provided disaggregated data but had indicated that it was in the process of establishing improved data-collection mechanisms, she invited the delegation to provide an update on progress in that area.

11. She would like more information about cooperation with NGOs, including details of how cooperation agreements were formalized. Were memorandums of understanding signed before the Government engaged with a given NGO? Referring to reports indicating that foreign NGOs were often treated with suspicion and sometimes met with hostility, she asked what was being done to remedy that situation.

12. The definition of a child contained in the nation's various laws was inconsistent. In particular, the definitions contained in provincial laws differed from those established under national law and the definition established in sharia law differed from the secular definition. For example, under the Sindh Child Marriage Restraint Act a child was considered to be a person under 18 years of age while in laws in place in the rest of the country a child was

defined as a person under 16 years of age. What steps would be taken to align laws across the State party with the Convention?

13. She would like to know what was being done to overcome the gender-based discrimination that girls reportedly faced, and especially girls belonging to minority groups, and what action was envisaged to ensure that the best interests of the child principle was comprehensively incorporated into national and provincial law. Provision for the establishment of a permanent mechanism for consultation with children on law and policy should also be expressly incorporated into national law.

14. Given the importance of birth registration in the determination of a child's age, which was in turn significant in the application of a range of laws, the State party's low registration rate was a source of concern. Information about the efficacy of measures to improve the birth registration rate implemented with support from UNICEF would therefore be appreciated, including, in particular, information about any efforts to facilitate birth registration for asylum seekers and stateless persons.

15. She would also like information about the status of the Youth Parliament and other child-led organizations active in the State party. How easy was it for children to set up and register such bodies, and were children who did not have an identity card still able to set up a child-led organization? With regard to electronic media, she would like to know whether age-appropriate, locally produced programmes were available. Turning lastly to freedom of expression, she asked what was being done to ensure that the voices of children belonging to marginalized and minority groups were heard and that their views were taken into consideration.

16. **Ms. Aho Assouma** (Country Task Force) said that the Committee was concerned about the use of the death penalty in the State party and, in particular, about the execution of five minors in 2015, especially since there was a risk that the age of children who lacked birth certificates might be determined incorrectly. Noting that a number of minors were currently on death row in the State party, she asked whether children were able to appeal against their sentences; whether the State party would consider pardoning them, or at least commuting their sentence to life imprisonment; whether minors involved in acts of terrorism could have their cases heard before juvenile courts; and what steps were taken to ensure that their age was accurately determined.

17. Expressing concern about the incidence of honour crimes, acid attacks and infanticide — crimes in which the victims were almost always women or girls — and about the prevalence of violence against women and girls throughout the State party in general, she asked what was being done, in view of the currently low rate of prosecution, to ensure that the perpetrators of such crimes were brought to justice and were sentenced appropriately.

18. She would like details of any emergency response plans in place, including details of measures taken to protect schools against natural disaster and provide for their reconstruction in the wake of such a disaster. In view of the large number of child deaths attributable to malnutrition, she would also like to know about the State party's plans for combating malnutrition, especially among children living in extreme poverty.

19. **Mr. Nelson** (Country Task Force) said that the State party's responses to the Committee's request for information on measures taken to protect children belonging to religious minorities against sectarian violence related more to sectarian discrimination than violence. The Committee was concerned about reports of widespread violent attacks against religious minorities and had received information indicating that the police often failed to protect the victims of such crimes, that the perpetrators were rarely convicted and that

children were often directly involved or affected. Furthermore, it appeared that children could be prosecuted under blasphemy laws for offences that carried the death penalty. She would like to know what was being done to address all those issues. Since the Committee had also received information indicating that school textbooks often included derogatory statements about religious minorities, she would like details of any plans to remove such statements from teaching materials, as well as information about the religious education provided to non-Muslim students, who were not required to study Islam. Were those students sometimes forced to study Islam in order to integrate themselves and avoid discrimination?

20. Citing reports indicating that children were frequently subjected to torture and ill-treatment at the hands of the police, she asked what measures were being taken to guarantee the independent investigation of such allegations, how many cases had been investigated, and which body had organized the investigations. She would also like information about the investigations carried out into incidents of alleged ill-treatment of pupils in madrasas and an update on progress towards the adoption of the bill on torture and custodial death, which was still pending before the National Assembly.

21. **Ms. Parsi** (Country Task Force) said that, despite the measures to prohibit corporal punishment described in the State party's report, the Committee noted that no legislation had yet been passed that expressly prohibited corporal punishment in all settings, as called for in the previous concluding observations (CRC/C/PAK/CO/3-4). Corporal punishment was still permitted under section 89 of the Penal Code, the Punjab Destitute and Neglected Children Act and the Frontier Crimes Regulation, for example, while certain forms were prohibited for boys under the Criminal Procedure Code but not for girls. As Pakistan had made a commitment to abolish corporal punishment in all settings at the South Asia Initiative to End Violence against Children, she would like to know what progress had been made with the proposed legislation against corporal punishment; whether it would ban corporal punishment in all settings, including the home; and whether section 89 of the Penal Code would be repealed. Had awareness-raising campaigns been carried out to change the perception of corporal punishment as acceptable?

22. **The Chair** (Country Task Force) said that, in light of the expressions of concern about the need for awareness-raising and human rights education contained in the previous concluding observations, he would appreciate an update on progress and, notably, on the use to which the 400 million-rupee allocation made for that purpose under the Action Plan to improve the human rights situation had been put. He would also like more information on the proposed National Commission on the Rights of the Child. The Committee had received reports that, since devolution under the 2010 amendment to the Constitution, coordination of the implementation of children's rights had become more complicated and there were growing disparities between the various provinces and territories in that regard. If those reports were correct, how was the State party addressing that situation?

23. He would like to know how the State party ensured that the National Commission on Human Rights and the Commissioner for Children of the Office of the Federal Ombudsman were accessible from all round the country. Noting that the Commission was competent to deal only with violations by the armed forces and security services and that the Commissioner for Children could only receive complaints brought against government departments, he asked what impact those bodies were having with regard to the implementation of the Convention in general.

The meeting was suspended at 3.50 p.m. and resumed at 4.05 p.m.

24. **Mr. Khan** (Pakistan) said, with reference to the harmonization of legislation, that the vast majority of federal laws that had been in force at the time of devolution in 2010

remained applicable in the provinces. It was nevertheless true that the provinces had the right to amend that legislation and pass new laws, which could result in divergences. The central authorities had retained responsibility for the country's main criminal legislation, namely the Penal Code, the Criminal Procedure Code and the laws of evidence. The Guardians and Wards Act was no longer part of federal law but it had not been repealed or amended and was still the law of the land. With regard to the application of the Anti-Terrorism Act to minors, he said that the juvenile justice laws prevailed in such cases.

25. Pakistani civil law retained the concept of the "welfare of children" derived from Muslim personal law but, under the influence of the Convention, efforts were being made to introduce the concept of the best interests of the child. As that concept was not defined either in the Convention or in domestic law, the Government was considering developing a definition, on the basis of best practices, in order to provide criteria that would assist administrative and judicial authorities in their actions.

26. There was no statutory basis for consultation with children on law or policy, although children had been engaged in debates on education. However, children's representatives, one boy and one girl, would sit on the National Commission on the Rights of the Child, which would become the supreme guardian of children's rights in Pakistan, and would assist in formulating policy and advising the Government on legislation, monitoring and coordination.

27. As to birth registration, the Government had been working for many years with international organizations such as UNICEF on data-processing systems, awareness-raising for parents and officials, and training and capacity-building. The National Database and Registration Authority had been tasked with ensuring the registration of all children and local governments were now required to register all births and deaths. There were local registration systems that fed into the provincial and national systems, thereby obviating the need to travel to register births. Modern needs effectively compelled parents to register births as otherwise their children would have no identity card, passport or voting rights. As to the registration of non-nationals, he said that every effort was made to persuade refugees, for example, to register with international organizations such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees, but problems still remained.

28. It was true that budget allocations were not always fully spent. Since devolution, in some provinces targets had been achieved, but the problem was generally one of governance in a context of long-standing border conflict that presented numerous challenges, not least in respect of the maintenance of law and order.

29. In the past three years formal partnerships had been agreed with international civil society organizations and the registration process had been simplified. A bill on NGO registration had been drafted and had received the full backing of international NGOs, but had subsequently been dropped after being rejected by local NGOs.

30. Most laws, including, notably, the Majority Act, contained a proper definition of the child, but there were still problems in some of the country's legislation. In particular, the age of marriage was 18 years for men but 16 years or the age of puberty for women. That disparity reflected the predominant interpretation of Muslim law, to which many people were passionately attached. His Government was trying to overcome resistance in order to standardize the age of marriage.

31. As to discrimination against minorities in accessing facilities, the Constitution stated that no distinctions should be made between groups but that provision was not always

observed in social situations. It was not only minorities that suffered: distinctions were sometimes made between the Sunni and Shia populations and from province to province.

32. An amendment to the laws governing honour crimes had been discussed in the Parliament but had not been passed owing to differences of opinion between political groupings. It had, however, been possible to do away with pardon or remission for anyone found guilty of an honour killing and attempts were being made to formulate a broad and satisfactory definition of the offence. The Prime Minister had recently made a public commitment to eliminating honour killing and efforts were being made to spread the idea that honour did not only relate to women, and that killing was killing, whatever form it took.

33. All criminal offenders had the right to file an appeal against their conviction with a provincial high court and the Supreme Court. The Constitution empowered the President to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority, which included the death penalty. The Government could call upon the President to exercise that power in the case of miscarriage of justice. While minors were tried separately from adults in special courts, those courts were not presided over by special judges. Under Pakistani law, doctors bore primary responsibility for determining whether a person was under 18 years of age, as birth registration was not universal and birth certificates could easily be forged. A medical certificate confirming a child's age was deemed to be probative evidence by the national courts.

34. The prevalence of honour killings in Pakistan was declining owing to awareness-raising efforts and the harsh penalties prescribed for that offence. However, the Government acknowledged that more needed to be done to combat that scourge.

35. Children had unfortunately been among the victims of acts of retaliation perpetrated by terrorist militants against the recent Pakistani military campaign to regain the country's territory along the border with Afghanistan. The Government had recently allocated additional funds to the armed forces in an attempt to bring the terrorist militants to justice. Contrary to reports received by the Committee, the national courts handed down harsh penalties to persons involved in terrorist activities.

36. **Ms. Janjua** (Pakistan) said that Pakistan was currently hosting 1.5 million registered refugees and the same number of unregistered refugees — a situation that added to the challenges facing the country. While Afghan children could attend the country's schools, receive treatment at its hospitals and use its social services, they could not be registered as Pakistani citizens or be granted permanent leave to remain. It was hoped that all Afghan refugees would be able to return to their country in the near future.

37. Honour killings were deplored by Pakistani society as a whole. It was hoped that stricter enforcement of the laws to prevent and punish honour killings and the Prime Minister's recent public commitments would bring the Government closer to eradicating that scourge.

38. **Ms. Aho Assouma** asked how many cases of honour killings had been successfully prosecuted; what penalties had been imposed on the perpetrators; and how frequently aggrieved parties sought alternatives to criminal prosecution such as the payment of blood money.

39. **Ms. Ayoubi Idrissi** said that she failed to understand how doctors could determine with absolute certainty that a person was under 18 years of age solely on the basis of a medical examination and how the national courts could accept the age stated on a medical certificate at face value given the degree of uncertainty surrounding it. If capital punishment could not be abolished fully, it should only be imposed in a strictly limited set

of circumstances. She asked in how many cases the President had elected to commute the death penalty.

40. **The Chair** said that the Committee had received information to the effect that many of the challenges associated with birth registration were attributable to the complicated nature of the procedure and the fees payable. He asked whether the State party intended to take steps to simplify the procedure and remove all financial barriers to birth registration.

41. The Committee was concerned not only by the legal inconsistencies in the definition of a child contained in secular and sharia law but also by the fact that the Zina and Hadood Ordinances restricted the definition of a female child to girls who were 16 years of age or under or had not yet reached puberty. He asked whether the State party planned to harmonize the definition of a child in all its laws and to amend the Zina and Hadood Ordinances accordingly.

42. The Committee had received reports that, while the Juvenile Justice System Ordinance of 2000 prohibited the imposition of the death penalty on a child, that provision was not applied in all provinces of the country and did not apply in the case of serious offences. He invited the delegation to comment on those reports.

43. **Mr. Tahir** (Pakistan) said that he did not possess up-to-date statistical data on the number of cases of honour killings that had been successfully prosecuted. In 1990, a number of the provisions of Pakistani criminal law had been amended and aligned with sharia law. Those amendments had introduced the possibility of a murderer paying blood money to the family or legal heirs of the deceased person in order to avoid punishment and obtain their pardon. Those amendments had also done away with the defence of grave and sudden provocation that had previously existed under common law and had often been invoked in cases of spousal homicide. The heavy reliance of families upon pardons and the payment of blood money had, in 2005, prompted the Government to pass a law that gave the national courts discretion to decide whether the perpetrator of an honour killing should be subject to criminal prosecution or whether the case should be settled by alternative non-judicial means. The purpose of the bill currently before the national Parliament was to prohibit the payment of blood money or granting of a pardon as an alternative to prosecution in such cases and to remove the discretion currently accorded to the national courts.

44. In some cases, the national courts had no choice but to accept the age of a child stated on a medical certificate. The Government was working with its international partners to improve its birth registration procedure and, while the registration fees payable could vary from district to district, they were not normally prohibitive. Birth registration forms had been simplified and now required parents to supply only basic information.

45. The loss of life resulting from the armed conflict in the country had led the Government to lift the moratorium imposed on the death penalty in cases involving terrorism and other serious offences. However, the Government intended to introduce longer prison sentences as a substitute for the death penalty and, in addition to the President, provincial governors were now also empowered to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority. Although those powers were seldom exercised, the President had, on a number of occasions, suspended sentences pending further investigation.

46. Several laws, including the Hadood Ordinance, interpreted puberty to signify the end of childhood. Most of the sexual offences referred to in the Ordinance had been removed and were now punishable under Pakistani criminal law. It would be difficult to introduce

further amendments to the Ordinance because of the importance attached to it by certain segments of society.

47. The Juvenile Justice System Ordinance of 2000 was applied in all provinces of the country, though its application could not be guaranteed in regions not under the central Government's control, such as Kashmir, Gilgit-Baltistan and the Federally Administered Tribal Areas.

48. **Mr. Mangi** (Pakistan) said that, although the Government had provided provincial authorities with training on how to compile and manage databases, no province-specific statistical data were as yet available. Data on criminal offences, disaggregated by sex, had, however, been compiled by the Ministry of the Interior. The Government was about to launch an initiative to compile data on the human rights situation throughout the country, which would be used to produce specific indicators for children's rights that could be monitored by the relevant committees of the national Parliament.

49. A programme to address the problem of child malnutrition in Pakistan would be launched in the near future. Clear guidelines were in place for the protection of children and vulnerable communities in the event of a natural disaster and the National Disaster Management Authority received a generous budget allocation.

50. In March 2016, a bill to amend Pakistani criminal law to afford children greater protection against violence had been passed by the national Parliament and was pending adoption by the Senate. The bill repealed the provisions of the Penal Code that had previously permitted the use of corporal punishment and criminalized acts of cruelty and ill-treatment committed against children. Inflicting corporal punishment on children was now prohibited in all settings. Campaigns to raise public awareness of the need to end violence against children had also been launched.

51. To facilitate the implementation of the Convention throughout the national territory, the Prime Minister had approved a proposal to establish special provincial cells responsible for overseeing application of the provisions of the international human rights treaties ratified by Pakistan. The provincial implementation cells were required to submit a periodic report on their progress to the central Government.

52. The Government had organized a number of awareness-raising campaigns in the form of seminars for young people and university students. As part of its efforts to combat violence against children, it had developed handbooks and best practices for the prevention of corporal punishment, child abuse, early marriage and trafficking in children. A national action plan for children was currently being devised. There were also plans to create a public human rights institute that could serve as a think tank on children's issues.

53. **Ms. Muhamad Shariff** asked why the Criminal Law Amendment Act still allowed the perpetrators of honour killings to escape prosecution by the State if they agreed to pay blood money (*diyat*) and the family of the victim waived its right to seek retribution (*qisas*). She would welcome an explanation of the practice of *karo-kari*, or honour killing, and a clarification of the role played by the *jirga*, the tribal council of elders.

54. **Mr. Nelson** said that the State party's lifting of its moratorium on the death penalty for terrorist crimes was troubling in view of its broad definition of what constituted terrorism. He asked whether the 2012 amendment allowing the country's antiterrorism courts to act as juvenile courts was still in place or whether that amendment had been repealed. Were minors tried as adults in antiterrorism courts?

55. **Mr. Tahir** (Pakistan) said that a bill currently before the Parliament would repeal the provisions that allowed the courts to avoid trying and sentencing the perpetrators of

honour killings. "*Karo-kari*", which was the term for honour killing used in parts of Pakistan, had been a crime for years, and the *jirga*'s authority as an arbiter of justice was limited by law to the resolution of certain minor disputes.

56. The country's definition of terrorism might appear very broad, but an international expert had found that what Pakistani law considered a terrorist crime was not altogether different from what the laws of such jurisdictions as the United Kingdom of Great Britain and Northern Ireland or the United States of America, which, unlike Pakistan, were not a theatre of war, considered terrorist crimes. Some extraordinary measures were set to lapse in June 2016.

57. He would endeavour to find information on the number of minors being tried by the country's antiterrorism courts. Although separate court facilities had not been built to try minors, and judges who heard cases involving adults also heard cases involving minors, the procedures were separate.

58. **Ms. Parsi** said that she wished to know the approximate number of abandoned children in Pakistan. She also wished to know what plans the Government had made to amend the Guardians and Wards Act of 1890; whether it intended to increase outlays for the provision of psychosocial services to marginalized families; when it planned to finish its comprehensive evaluation of the psychosocial and mental health needs of Pakistani children; what was being done to ensure that residential institutions for children operated to ever-higher standards and that the officials responsible for supervising such institutions were properly trained; and whether community-based services were being developed to offer a family environment to children placed in orphanages.

59. She asked why so few rapes of usually female children were reported, and why so few of the reports resulted in prosecution and conviction. It would be interesting to know what the State party was doing to enforce and improve existing laws with a view to protecting children, and particularly girls, from sexual abuse and exploitation, which were rife. She also wished to know what measures were being taken to combat corruption among police officers, who were often the perpetrators of sexual violence against children.

60. **Ms. Aho Assouma** asked what measures the State party was taking to combat the stigmatization and discrimination faced by children with disabilities, many of whom had no choice but to turn to begging or prostitution, and to implement its inclusive education policies more fully. Information on any programmes that sought to involve communities in the care of children with disabilities would be welcome.

61. She wondered what was being done to ensure that health-care workers administering vaccines could work safely and that all children, but particularly children in Balochistan, where immunization rates were lower, were vaccinated against polio, which was still endemic. In addition, she wished to know what plans had been made to lower the high rates of malnutrition, particularly in remote areas; to alleviate the devastating impact of the drought in Tharparkar District; and to address the high frequency of deaths from pneumonia and diarrhoea among children in Pakistan. What efforts had been made to increase the small percentage of children with reliable access to potable water and proper sanitation?

62. She would welcome maternal mortality statistics broken down by age range, information about any action taken to offer free treatment for obstetric fistulae, which was one of the causes of maternal mortality, and an explanation as to why such a large percentage of infants were bottle- rather than breastfed. Was it that the State party did not fully subscribe to the International Code of Marketing of Breast-milk Substitutes, or that health-care workers were bribed to offer substitutes to new mothers? She would also like

additional information about the development of the baby-friendly hospital initiative in the State party and about the activities and budgets of the Infant Feeding Boards.

63. Turning to the topic of adolescent health, she wondered whether steps were being taken to ensure that abortions could be performed safely. She would welcome a comment from the delegation on the situation of unwed pregnant women, who evidently faced the death penalty if they had an abortion. What was being done to ensure that girls had access to family planning and, more generally, to change old mentalities?

64. She wished to know whether surveys showing that children in the State party were not heavy users of alcohol and tobacco were accurate, and whether the State party had a programme to combat addiction to opiates, which was widespread in the State party and could lead to an increase in HIV infection. She would welcome details of any efforts to prevent suicide among young people, and any attempts to end the practice of using children as camel jockeys, as well as information about the avenues of recourse available to girls forced into marriage before reaching the age of 16 years and the State party's efforts to combat child marriage and come to the aid of child brides.

65. She would also welcome information about the State party's budget for AIDS-related issues and the HIV/AIDS prevalence rate. In that connection, she wondered what efforts had been made to prevent mother-to-child transmission; what the State party was doing to address the situation of the approximately 100,000 HIV-positive people living in Karachi; whether there were national and provincial programmes to combat HIV/AIDS; and, if so, how those programmes operated. Relevant statistics would be especially welcome.

66. **Mr. Nelson** asked what measures had been taken, in addition to the establishment of the Sabawoon Rehabilitation Centre, to reintegrate former child soldiers and prevent radical groups from recruiting Pakistani children. He also wished to know whether Pakistan had shelters for victims of trafficking and prostitution; whether there were any toll-free hotlines that could be used by child victims of crime; whether the State party's judges had received the training necessary to hear cases involving minors; when a proper juvenile justice system would be in place; why juvenile judges were permitted to dispense with the presence of the child during a hearing; and why the Juvenile Justice Ordinance contained a provision on the appearance in court of children who were physically or mentally ill. In general, the burden of proving the age of a person whose date of birth was not known with certainty should be borne by the State. Any related documents produced by the person in question should be presumed valid. The age of criminal responsibility in Pakistan was too low; raising it to 12 years would bring Pakistan into compliance with the Convention in that regard.

67. Lastly, he asked what was being done to ensure that detained minors and adults were systematically held in separate facilities and what measures had been taken to enforce the laws prohibiting *jirgas* and other informal tribunals from handing down sentences.

68. **The Chair** said that no country had a larger number of refugees — some 1.5 million — living in what was referred to as a protracted refugee situation than Pakistan. The State party's efforts to host such large numbers were commendable, but he wondered what the authorities planned to do to address the situation of the many refugees, almost half of whom were minors, who lacked birth certificates. How did it intend to address the statelessness of large numbers of child refugees?

The meeting rose at 6 p.m.

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Seventy-second session

Summary record of the 2119th meeting
Held at the Palais Wilson, Geneva, on Thursday, 26 May 2016, at 10 a.m.

Chair: Mr. Mezmur

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Fifth periodic report of Pakistan (continued)

This record is subject to correction.

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The meeting was called to order at 10.00 a.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of Pakistan (continued) (CRC/C/PAK/5, CRC/C/PAK/Q/5 and Add.1)

1. *At the invitation of the Chair, the Delegation of Pakistan took seats at the Committee table.*

2. **Mr. Khan** (Pakistan) said that the Government had launched a deradicalization programme and had opened a centre providing educational and psychological support, among other services, to deradicalize young people and facilitate their social reintegration. Legislation passed in 2015 had provided for the establishment of detention and rehabilitation centres, which had been hugely successful. A 20-point national action plan adopted in 2015 envisaged the development of a new narrative in Pakistan that promoted a humane, progressive and dynamic version of Islam and rejected fanatical interpretations. Awareness-raising campaigns were being run to educate young people, and private media had been asked to devote 10 per cent of their airtime to broadcasting anti-radicalization messages. The Government had also engaged on the issue with religious leaders, including imams and heads of madrasas. A broad range of stakeholders, including all political parties represented in the Parliament, civil and military authorities and religious and secular leaders, had come together to agree to tackle extremism, and the Government was focused on making Pakistan a peaceful place.

3. Two legislative frameworks were in place to combat trafficking in human beings: one which covered human trafficking offences sensu stricto, and one which covered abductions and kidnappings. Both covered domestic and international instances of such offences. The police force and the new Federal Investigation Agency shared jurisdiction over internal cases.

4. NGO-run shelters set up in every city provided legal and medical assistance, most of which was free of charge. Ultimate responsibility for the operation of such centres lay with the provincial authorities. There was room for improvement in the provision of shelters and the National Action Plan to improve the human rights situation approved in February 2016 envisaged the creation of a nationwide network.

5. Numerous toll-free telephone helplines were available for children in Pakistan. The Ministry of Human Rights ran a 24-hour helpline, with lawyers providing legal advice in eight-hour shifts. The Prime Minister's Office also ran a helpline, and various others were operated by NGOs and provincial governments.

6. The Government had established four judicial training academies, including one at the federal level, which had been granted degree-awarding status. The academies were run by the judiciary, using government funds. Judges underwent mandatory training upon their appointment, and subsequently at five-year intervals. Some NGOs also provided specialist training to judges, lawyers and police officers. Each province had its own police academy. In 2014, 1,000 female lawyers had been trained with assistance from the United Nations, and the International Labour Organization (ILO) had provided training for judges and other legal professionals on the rights of children. Every senior official in the country had undergone some form of human rights training in the previous decade.

7. Juvenile courts did not currently exist in the country but their introduction was being considered, despite the very low number of cases involving minors. Separate family courts did exist, most of which were presided over by female judges.

8. Section 6 of the Juvenile Justice Ordinance provided that judges could dispense with the need for child victims and/or child defendants to be present in court. Provided they had

a lawyer to represent them, such children could be released from the obligation to attend court each day should they be unwell or need to attend school. Judges also had the authority to refer any child suspected of having mental health issues to a doctor. Child defendants determined to have serious mental health issues could be discharged from the proceedings.

9. The provisions of common law were followed when determining whether or not a person was a minor. Sworn affidavits were usually accepted by judges. Section 7 of the Juvenile Justice Ordinance required judges to give due regard to medical reports. Public records were presumed to be genuine, and a presumption of truth was attached to birth or school certificates presented as proof of age. The burden of proof lay with the person making assertions regarding the age of another.

10. **The Chair** (Country Task Force) asked what happened in cases where the defendant's status as a minor at the time of the crime was not submitted in evidence to a lower court but was later raised before a higher court.

11. **Mr. Khan** (Pakistan) said that issues surrounding the age of a defendant could be raised in either of the two lower-level courts, namely the local trial court or the provincial high court. New evidence could not be considered by the Supreme Court but, when such evidence emerged, the Supreme Court judge could remand the case to the trial court. In some instances, such as in the case of Shafqat Hussain, the question of the defendant's age had not been raised at all during the court proceedings, but had subsequently been taken up by NGOs. In that particular case, a committee had been formed, an investigation carried out and a separate judicial review filed with the high court.

12. **Ms. Ayoubi Idrissi** asked whether the human rights training given to police officers was of a purely academic nature, or whether practical aspects were also covered; how many, if any, prosecutions had taken place following the 58 cases of torture of children reported in Faisalabad; and what the outcome of those prosecutions had been. In addition, she would appreciate an update on progress made since the State party's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; on the situation of those NGOs that, according to information received by the Committee, had been blacklisted for having provided assistance to child victims of sexual abuse; and on the support that the State party provided to NGOs in general.

13. **Mr. Nelson** (Country Task Force) asked whether national legislation made provision for the Supreme Court to review new evidence identified post-trial and, if not, whether the State party considered that the introduction of such a provision might be useful.

14. **Mr. Khan** (Pakistan) said that while there was no direct legislation in place, the Supreme Court was able to prevent miscarriages of justice by remanding cases to the trial court if new evidence was introduced. The Supreme Court was empowered to provide complete justice and, under article 184 (3) of the Constitution, could reopen any case deemed to fulfil the two test criteria of, firstly, being of public importance and, secondly, involving fundamental rights. Petitioning the Supreme Court to reopen cases had become a popular course of civil action, but lawyers had asked the Supreme Court to limit the frequency with which it exercised those powers.

15. Human rights training covered human rights treaties, including the recently ratified Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Some police officers received practical training but most human rights training was theoretical in nature. The delegation would welcome the Committee's suggestions as to how improvements in that area might be achieved.

16. There were 40,000 NGOs operating in Pakistan. Of that total, 33,000 were unregistered and over 31,000 did not submit annual reports to the Government as required by law. Registration was straightforward, however, and the Government took a liberal

approach to oversight. There was no official blacklisting system but it was possible that some local instances had occurred. The majority of overseas aid entering Pakistan, including the aid received from the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland, went directly to NGOs and was not vetted by the Government. Improvements did need to be made to the registration and reporting system but, while international NGOs operating in Pakistan were cooperative, some local NGOs refused to address accountability issues.

17. **Mr. Mangi** (Pakistan) said that the Government engaged with an alliance of 400 NGOs in capacity-building and issues relating to child sexual abuse and that the Ministry of Human Rights provided a toll-free helpline number for the use of an NGO working to combat the trafficking of women and children. The Government had a good working relationship with all such NGOS and did not generally scrutinize their activities.

18. **Mr. Khan** (Pakistan) said that, ever since a major Power had engaged the services of a local NGO to organize a polio vaccination campaign as a means to obtain information and plan attacks, the Government had had no choice but to subject certain NGOs to increased scrutiny in order to ensure, inter alia, that they were not associated with foreign powers. Extremists had also used NGOs to obtain information and in some cases to organize the abduction or killing of polio workers, leading the Government to provide military protection for health-care workers operating polio vaccination schemes wherever required.

19. **Mr. Hafeez** (Pakistan) said that the polio eradication programme was now back on track and the aim was to eradicate the virus completely by the end of 2017. Only 11 cases had been reported in 2016, compared with more than 300 in 2014. Those cases had been concentrated in three reservoir areas and were being treated. The Government-funded National Emergency Action Plan for Polio Eradication was updated annually and monitored closely by a high-level task force. In addition, the Prime Minister held a monthly focus group with officials from the provinces. The current focus was on identifying hard-to-reach communities, implementing community-based interventions, using the injectable polio vaccine and conducting effective communication campaigns.

20. Under the Expanded Programme on Immunization, all eligible children were vaccinated against nine diseases free of charge. Projects to procure vaccines and ensure coverage in remote areas had been allocated more than 40 billion rupees for the next three years. Polio vaccination campaigns were conducted 8 to 10 times a year and required around 100,000 polio teams, working in close coordination with the security agencies. The rate of full vaccination among children was currently 60 per cent and rates of immunization against individual diseases were much higher. To improve coverage, a vaccination tracking system had been piloted and a conditional cash transfer scheme initiated to provide incentives for families. The recently adopted 10-point plan of action to address issues relating to reproductive, maternal, newborn, child and adolescent health and nutrition also identified immunization as a priority area.

21. A comprehensive support programme had been launched to improve child nutrition and Pakistan had joined the international Scaling-Up Nutrition movement. Under various national and provincial programmes, nutritional supplements were provided to pregnant women and children, cases of acute malnutrition were treated in special facilities, and awareness campaigns were carried out by community health workers. More than 100,000 lady health workers worked with women in poor rural areas to address issues relating to nutrition, immunization, reproductive health, family planning and maternal health. Tharparkar District had benefited from multiple interventions to improve nutrition in recent years, including the establishment of acute malnutrition treatment centres, the provision of food supplements and medicines, the introduction of ambulance services and a reinforcement of human resources. As a result, the situation had improved significantly.

22. The threat posed by pneumonia and diarrhoea was being addressed through the National Maternal, Newborn and Child Health Programme, the Expanded Programme on Immunization and the work of local health-care facilities and lady health workers, who were trained in community case management of those diseases. Primary and secondary health-care facilities had been upgraded, a pneumonia vaccine had been introduced two years previously and there were plans to introduce a rotavirus vaccine in 2017.

23. The maternal mortality rate had dropped by almost half in the previous two decades, the skilled birth delivery rate had almost doubled, and was now around 55 per cent, and half of all deliveries now took place in medical institutions. Around 20,000 community midwives had been providing skilled birth attendance at the local level for the previous 10 years. Childbirth complications such as obstetric fistula were increasingly being avoided owing to the growing prevalence of institutional delivery and projects conducted in collaboration with international partners were addressing the problem in rural and remote areas. Breastfeeding promotion campaigns were organized under the National Maternal, Newborn and Child Health Programme and innovative measures such as cognitive behavioural therapy had been piloted to promote breastfeeding at the community level.

24. Community awareness campaigns were in place to address the issue of teenage pregnancy and, as a result of measures to improve access, the contraceptive prevalence rate had increased to almost 35 per cent. However, that rate needed to be increased further. A special curriculum to address issues relating to adolescent health was being piloted in schools and in pre-service training for health-care professionals.

25. The Mental Health Ordinance protected the rights of people with mental health issues and a robust system was in place to ensure its implementation. With the support of the World Health Organization (WHO), the Pakistani health authorities were piloting the Mental Health Gap Action Programme to integrate mental health treatment in primary care.

26. Children with disabilities would benefit from the Prime Minister's Health Insurance Programme, which currently covered around 10 million people but aimed ultimately to cover 70 million. The Ministry of Health had recently launched a priority assistive products list, which would increase the availability of such devices for persons with disabilities and for older persons.

27. Projects to combat HIV/AIDS were implemented by the national and provincial administrations, adding to the services provided by health-care facilities. Targeted programmes were also being conducted with the support of the Joint United Nations Programme on HIV/AIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria. Around US$ 20 million had been allocated under the Global Fund and a similar amount had been contributed by the Government for the implementation of relevant projects over the next three years. There were around 100,000 HIV-positive people in Pakistan, the majority of whom were injecting drug users living in urban areas. Screening tests and antiretroviral drugs, including second-generation drugs, were provided free of charge and injecting drug users were provided with clean syringes to avoid infection. The rate of mother-to-child HIV transmission was negligible.

28. **Ms. Aho Assouma** (Country Task Force), noting that the Taliban had banned vaccination in certain Federally Administered Tribal Areas some years previously, asked whether that issue had been resolved. She would be interested to know whether Pakistan had suffered any significant measles epidemics and, if so, how they had been addressed. She asked how the State party would increase the low child immunization rate in Balochistan and whether efforts had been made to reach the many thousands of children in the country who had not been vaccinated under the most recent campaign. Referring to reports that inaccurate child mortality figures had been submitted for Tharparkar District, administrative failures had occurred in the distribution of food to that area and the

Government had failed to provide local hospitals with additional doctors, she asked what was being done to address those issues. Was there an irrigation system in place in Tharparkar to allow the population to continue to grow crops and feed their livestock?

29. **The Chair** asked what was being done to address the significant gender gap apparent in vaccination rates for children aged between 12 and 23 months. The cost of immunization per child had increased by 40 per cent over the previous decade and the coverage rate appeared to have stagnated. Was that the case? He would welcome information on the follow-up given to the Global Action Plan on Pneumonia and Diarrhoea and progress made in reaching the polio eradication target.

30. **Mr. Hafeez** (Pakistan) said that significant efforts had been made to address the ban on vaccinations imposed by the Taliban. As a result, only 5,000 children in the Federally Administered Tribal Areas had not been reached by the immunization programme in 2016, compared with 350,000 in 2013. Social workers cooperated closely with the community to ensure that all children under five years of age received the necessary vaccinations and conditional cash transfer schemes were being implemented in districts with low immunization rates. The Government of Pakistan had entered into an agreement with the Global Alliance for Vaccines and Immunization, which provided vaccines on the condition that coverage targets were met. The cost of immunization had increased owing to the addition of new antigens. Under the Comprehensive Multi-Year Plan for immunization, provinces had to reach gender targets before qualifying for further disbursements. The new rotavirus and pneumococcal vaccines had been introduced as a result of follow-up to the Global Action Plan on Pneumonia and Diarrhoea.

31. With regard to polio transmission, Pakistan and Afghanistan were treated as a single epidemiological block, which meant that parallel efforts were required in the two countries in order to ensure eradication. Owing to recent unforeseen circumstances, the target for polio eradication had been revised but good progress was being made. Specific measures had been taken to address the situation in Tharparkar and reliable data had been compiled through independent reviews.

32. **Ms. Aho Assouma** asked what measures were in place to prevent the advertising of breast milk substitutes and the distribution of such products in health-care facilities. She would also be interested to hear whether systematic HIV screening was carried out during prenatal consultations.

33. **The Chair** said that he would welcome information on budget allocations to the public health sector. Were there any plans to address issues relating to staff turnover?

34. **Mr. Hafeez** (Pakistan) said that an ordinance protecting the practice of breastfeeding had been introduced under which boards composed of experts, regulators and policymakers had been set up at the federal and provincial levels to develop breastfeeding protection mechanisms. Publicity, advertisements, posters and all forms of banners promoting formula milk had been banned, including in health-care establishments. Interaction between prescribing medical professionals and representatives of companies selling formula milk was actively discouraged by the Pakistan Medical and Dental Council. Paediatricians, gynaecologists, community midwives and other paediatric health workers were trained to promote breastfeeding and a pilot study had demonstrated that an approach based on cognitive behaviour therapy could lead to a significant increase in the practice. All pregnant women were entitled to four antenatal check-ups, during which tests for a number of diseases were carried out; 59 per cent of women took advantage of that service. A federal Ministry of Health taskforce had been set up with the involvement of relevant stakeholders to address the issues currently affecting Tharparkar District and the mortality rate had fallen in that area.

35. One of the main aims of the recently prepared National Health Vision, which had been based, among other things, on health financing and human resources planning and forecasting, was to increase the share of the national budget allocated to health from around 1 per cent to 4 per cent over the next five years, in fulfilment of the relevant WHO recommendations. Responsibility for delivering health-care services had been devolved to the provincial authorities, which had raised their health budgets over the past few years. A health insurance scheme had been launched, to which 20 billion Pakistan rupees had been allocated. A national human resources strategy designed to increase staff retention, by delegating certain tasks to less specialized health workers, and to encourage the recruitment of local staff had also been put in place.

36. **Ms. Parsi** (Country Task Force) asked whether increases in the education budget were sufficient to fund efforts to achieve the goal of free and compulsory education for all children aged between 5 and 16 years old. She would like to know how the Government intended to address regional discrepancies in the field of education; to ensure that private schools receiving public funding through public-private sector association schemes were not imposing fees and other payments that led to the exclusion of students from economically deprived backgrounds; to increase enrolment in preschool education; to incorporate the issues of tolerance and pluralism into the school curriculum; to ensure that teachers received training in human rights that equipped them to address ethnic and religious hatred and violence; to reduce school absenteeism rates among adolescents; to ensure that more adolescents received training; and to create a safe learning environment. Information on action plans to ensure that all children received an education and Government strategies and resources for tackling the consequences of recent terrorist attacks and natural disasters would be welcome. Furthermore, what measures were being taken to eliminate *bacha-bazi*, the sexual abuse of dancing boys by older men?

37. **The Chair** said that the number of child labourers in the State party remained extremely high. He would like details of any measures taken to protect child labourers working in the informal sector and an update on the status of the raft of bills on bonded and child labour that had been put forward in various provinces. He would also appreciate the delegation's views on the minimum age at which minors should be permitted to engage in hazardous work, which was currently 14 years, an update on a study of children in street situations recently carried out in Karachi, and information on efforts to address child neglect and abuse and violence against children perpetrated by law enforcement officials.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

38. **Mr. Khan** (Pakistan) said that Tharparkar District was not currently suffering from drought but rather from water shortages attributable, among other things, to the desert-like nature of the local terrain. The Government had installed several hundred tube wells in the area and local infant mortality rates were only slightly higher than those in other parts of Sindh Province. The State had provided the local population with free wheat and flour on a number of occasions over the past decade and the Prime Minister was monitoring the situation.

39. Under article 25 (a) of the Constitution, education was free and compulsory between the ages of 5 and 16 years. Additional schools were being built and 110 million rupees in income-support payments had been distributed to families living in poverty to enable them to send their children to school. Technical assistance for those projects had been provided by ILO. Following the introduction of new legislation in Punjab Province, 400 employers had recently been arrested on suspicion of employing child labourers.

40. Women, men and minors under the age of 18 years were held in separate detention facilities throughout the country, with the possible exception of a few isolated areas in Balochistan Province. Conditions of detention, although sometimes harsh, were monitored

regularly by Government officials and NGO staff, and by independent judges on a monthly basis. *Jirgas* (tribal councils of elders) could rule on civil but not criminal matters. The Government had initiated an extremely severe crackdown on *jirgas* issuing illegal rulings and the situation had greatly improved. Detainees could access free legal assistance and more than 500 million rupees had been allocated to that area for 2017. Fund allocations at the district level would be determined by mixed panels composed of representatives of the judiciary, the State, the local bar association and civil society.

41. **Mr. Mangi** (Pakistan) said that around 1.7 million persons had benefited from a social protection programme targeting vulnerable families and that, as of 2014, a total of 65 billion rupees had been distributed to such families. Crisis centres had been set up across the country to provide women and children with shelter, psychosocial support, legal assistance and counselling. Following its decentralization, the Social Welfare Department now had a presence in every district and was better positioned to support vulnerable families. The Benazir Income Support Programme also disbursed large amounts of money to vulnerable families.

42. There were over 600 orphanages run by the State in cooperation with NGOs, although children were only placed in them as a last resort. A number of SOS Children's Villages had also been set up. A law on the supervision and control of orphanages had been introduced. Orphanages were funded by the Government and wealthy individuals who, in total, donated over 70 billion rupees per year to the poor. The National Commission for Child Welfare and Development had devised operational standards for orphanages and provided relevant training. A law on child sex abuse and protection had also recently been enacted, consultations concerning its implementation were currently being held with judges, police officers, teachers, psychologists and human-rights activists and the corresponding training manuals for police instructors were being prepared. Judicial academies at the federal and provincial levels provided police officers with training on child protection and high-ranking police officials received training in how to fulfil the State's obligations under the various international instruments to which it was a party. Treaty implementation cells had been set up in each province to strengthen coordination in implementing and providing training on the Convention.

43. **Mr. Hafeez** (Pakistan) said that, despite the decentralization process, key laws on the prohibition of child labour and the rescue and rehabilitation of victims, such as the 1992 Bonded Labour System (Abolition) Act and the 1991 Employment of Children Act, remained in force. The Government of Punjab Province had recently launched a 6 billion-rupee campaign to bring employers of child labourers to justice and rehabilitate child and bonded labourers. A bill on the protection of child labourers had been adopted in Sindh Province and the local authorities were currently designing a programme to combat bonded labour. Similar legislation was before the Government of Balochistan Province for consideration. There were currently 24 million children not attending school in Pakistan but the Benazir Income Support Programme and the Aurat Foundation had between them succeeded in enrolling 1.2 million girls in 36 districts. Child-labour rehabilitation centres had been set up across the country to provide vocational training and basic education.

44. **Mr. Tahir** (Pakistan) said that, although control over education policy had been devolved to the provinces, the federal Government coordinated policy implementation and provided assistance. Spending on education at the federal and provincial levels had significantly increased over the past four years as a consequence of efforts to reduce regional discrepancies. Teacher training, which had recently been modernized, was one of the most important responsibilities of provincial education departments and was conducted from the provincial level down to the Tehsil level. Almost all provinces ran annual capacity-building programmes for teachers.

45. Textbooks were free for all children in grades 1 to 10. The Prime Minister had announced a pilot scheme to provide free transportation to and from schools in the Islamabad Capital Territory and the Government had provided 400 buses to that end. Other provinces were likely to copy that scheme, since the eighteenth constitutional amendment had encouraged competition in the education sector. Over the previous three years, various enrolment drives had been run at the federal and provincial levels and, from 1 April to 30 April 2016, the central Government had run a drive to increase school enrolment and attendance under which incentives had been distributed to children.

46. Many initiatives had been launched in Pakistan to improve the education of girls. For example, the country had cooperated with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to launch the Malala Fund to address the issue. Targeting approximately 16 districts, the Fund provided trained teachers and incentives for girls to attend school, involved local communities and improved the facilities available in girls' schools. Although women could attend all higher education institutions in both the public and the private sectors, the country also had 4 women-only universities, around 1,000 women-only colleges and 4 women-only medical schools.

47. Because it was not possible to build primary schools in some remote parts of the country, the Government had launched a programme of feeder schools. Each feeder school was provided with a teacher and all the equipment necessary to teach between 20 and 40 local children in an informal setting. More than 600 such schools had been established. The Government had also established 12,000 basic education community schools in parts of the country where regular schools could not be opened and had recruited approximately 140,000 teachers through a national competition. Teachers were trained to demonstrate tolerance and adaptability.

48. The eighteenth amendment had made the coordination of provincial education policies a more complex process. For that reason, the Government organized an interprovincial education ministers' conference three times per year. The conferences were chaired by the federal Ministry of Education and served as a mechanism for monitoring policy development in the education sector and sharing best practice.

49. Despite many advances, a great deal remained to be done to bring the approximately 24 million Pakistani children who did not go to school into education. However, Pakistan was one of the States benefiting from the UNESCO E-9 Initiative to achieve education for all in nine high-population countries and the Government had begun a number of supporting initiatives, including the establishment of 50,000 additional basic education community schools.

50. The development of the national curriculum was one of the Prime Minister's key priorities. Although the eighteenth amendment had granted provinces the right to develop their own curricula, it had been decided at one of the interprovincial education ministers' conferences that all schools in the country should follow a single curriculum. The newly established National Curriculum Council, on which all provinces were represented, had been mandated to set national standards and quality indicators for education that would ensure symmetry and harmony in the provision of education across Pakistan. It had also been mandated to design a national curriculum framework and to review the national curriculum, which had last been revised in 2006. That revision had taken account of recommendations issued to the Government and had drawn on modern teaching techniques including activity-based learning and learning outcomes assessment. The next revision would take place in December 2016.

51. Although article 25 (a) of the Constitution set standards for the education of children between 5 and 16 years of age, it did not cover early childhood education for children aged 3 and 4 years old. However, the National Education Policy had been placed under review

following changes to legislation governing the education sector and the updated policy would include a chapter on early childhood education and development. There was already a national curriculum and teacher training manual for early childhood education. The private sector was making a major contribution to the provision of high-quality early childhood education and almost 40 per cent of State schools ran a pre-primary *kachi* class, although they were not always taught by qualified teachers. A recent study had shown that further work was needed to improve early childhood education in Pakistan.

52. Inclusive education had been made a priority in the 2009 National Education Policy. In the academic year 2005/06, a pilot project had been run in Islamabad, with the support of the Governments of Norway and Indonesia, under which 847 children with minor disabilities had been integrated into the mainstream education system and 460 teachers had received specialist training. The updated National Education Policy due for publication in December 2016 would contain a chapter on inclusive education.

53. Over the previous three years, the Government had implemented a monitoring mechanism to combat absenteeism among teachers and students, which had proved highly successful. Management information systems had been rolled out at both the national and provincial levels. In Punjab Province, a cadre of inspectors had been established. Each inspector was responsible for 16 schools and monitored various indicators, including the rate of teacher absenteeism.

54. **Ms. Muhamad Shariff** (Coordinator, Country Task Force) noting that, in 2011, the Ministry of Interior had agreed to delegate responsibility for religious education in the curriculum to Ittehad-e-Tanzeemat-e-Madaris Pakistan (ITMP, an umbrella organization of religious schools), asked how the Government planned to monitor the teaching of religious education and ensure that it met national standards. She also invited the delegation to respond to reports that madrasas were exploiting children commercially and had become breeding grounds for extremist ideologies. She would like more information about the situation of internally displaced persons living in camps, particularly in Khyber Pakhtunkhwa, where a lack of safe drinking water and sanitation and health-care facilities had caused outbreaks of communicable diseases and a lack of security had increased the risk of sexual harassment, abuse, abduction and trafficking. What was the Government doing to protect children living in those circumstances?

55. **Mr. Nelson**, noting that boys in Balochistan, Khyber Pakhtunkhwa and the Federally Administered Tribal Areas had been abducted by security forces under the Protection of Pakistan Act 2014, the Actions (in Aid of Civil Power) Regulation 2011 and the Frontier Crimes Regulation 2011, asked whether the delegation could comment on those enforced disappearances. He also urged the State party to provide the previously requested information on the allegations made against the Faisalabad police and figures for the number of recorded cases of torture at the hands of the police, particularly cases that had been investigated or prosecuted, and the number of children who had been tried under antiterrorism laws and the Hadood Ordinances.

56. The State party was facing many challenges, but was evidently committed to the defence of the rights of the child. The Committee's main concern remained the imposition of the death penalty on persons aged under 18 years old.

57. **Mr. Khan** (Pakistan) said that he wished to thank the members of the Committee for their work and assure them that replies to the questions raised in the final portion of the meeting would be provided shortly. The rights of the child were taken very seriously in Pakistan and his delegation would return to Islamabad with renewed energy and strength for their defence.

The meeting rose at 1 p.m.